

**AN AGREED FRAMEWORK FOR DIALOG WITH
NORTH KOREA**

HEARING
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
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AN AGREED FRAMEWORK FOR DIALOG WITH NORTH KOREA

THURSDAY, MARCH 6, 2003

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman of the committee), presiding.

Present: Senators Lugar, Chafee, Brownback, Alexander, Biden, Sarbanes, Dodd, Feingold, Boxer, Bill Nelson and Rockefeller.

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called to order.

Today the Foreign Relations Committee again turns its attention toward North Korea. On February the 4th, the committee held a hearing to review issues surrounding weapons of mass destruction on the Korean Peninsula. That same week we welcomed Secretary of State Powell, who addressed many questions related to North Korea. Last week, the committee considered the issue of global hunger with specific reference to North Korea. Our primary goal at this hearing is to explore the possible structure and objectives of diplomatic engagement between the United States and North Korea.

The events of the last several weeks have confirmed and reconfirmed how volatile and unpredictable the situation on the Korean Peninsula has become. The North Korean regime has taken highly provocative actions toward the United States and its neighbors. All of us remain concerned about the potential for miscalculation that could lead to a deadly incident or broader conflict.

North Korea is a foreign policy problem that requires immediate attention by the United States, thoughtful analysis about our options, and vigorous diplomacy to secure the cooperation and the participation of nations in the region. Compared to most nations, our information on North Korean decisionmaking is scant. The actions of the North Korean regime and the military often stray from a course that we perceive as consistent with rational self-preservation. But we must not be deterred in our pursuits of valid analysis. We must avoid simplistic explanations of North Korean behavior. Today, to a degree possible in a public hearing, we will undertake the timely challenge of thinking through our diplomatic options.

In 1994, the United States and North Korea signed the "Agreed Framework," the agreement under which North Korea was to shut down its nuclear facilities in return for shipments of heavy oil and the construction of two light water nuclear reactors. Since 1994,

North Korea has engaged in activities that clearly violate the terms of the Agreed Framework.

Specifically, the pact stipulates that North Korea should freeze its graphite-moderated reactors and related facilities. This suspension of activity was to be monitored by the International Atomic Energy Agency. North Korea also was required to store the 8,000 fuel rods removed from its five megawatt reactor "in a safe manner that does not involve reprocessing in North Korea." Based on intelligence data and the acknowledgments of the North Korean regime, we know that Pyongyang is taking active steps to implement a nuclear weapons program.

The Clinton administration had hoped to secure a freeze of North Korea's nuclear program and to prevent it from producing nuclear-weapons-grade plutonium. It also intended that the Agreed Framework would be the basis for ongoing contacts with Pyongyang, but these goals have not been realized, and circumstances require the United States to develop a new approach.

The Bush administration has been reluctant to agree to a bilateral dialog with North Korea until the North Korean regime satisfies U.S. concerns over its nuclear program. The administration has instead focused on proposals for multilateral talks involving North Korea and other countries. Multilateral diplomacy is a key element to any long-term reduction of tensions on the Korean Peninsula. But, in my judgment, it is vital that the United States not dismiss bilateral diplomatic opportunities that could be useful in reversing North Korea's nuclear program and in promoting stability. We must be creative and persistent in addressing an extraordinarily grave threat to our national security.

While some American analysts oppose any dialog with North Korea, especially in the wake of extraordinarily provocative events, I do not believe we have the luxury to be this absolute. The risks are too immediate and the stakes are too high. The United States must maintain military preparedness and should not tolerate North Korea's nuclear weapons programs. But the mere initiation of a bilateral dialog, with American authorities concurrently consulting with the South Korean Government, does not compromise our national security interests.

In that regard, today's hearing is based on the presumption that some engagement must eventually occur between the United States and North Korea. Our witnesses have been asked to provide their perspective on the Agreed Framework on how multilateral and bilateral diplomacy between the two countries could be structured. They each bring substantial expertise to the committee, and I am grateful that they have joined us today.

Let me, at this juncture, recognize the distinguished ranking member of our committee, Senator Biden.

Senator BIDEN. Thank you very much, Mr. Chairman.

Gentlemen, thank you for being here. I agree with the chairman, we always say we have a distinguished panel, but I think you are a distinguished panel. And I cannot think of three people that it is better to hear from today than the three of you on this issue.

Let me begin by saying to you that I have no idea, and I have some skepticism about whether or not an initiated bilateral discussion will produce anything, so I am not one, nor do I know are any

of you, nor is the chairman, one who thinks that merely by talking there is a resolution. But I am convinced that there is no option other than talking at this point.

The President is in a very difficult place right now. A lot of his critics are suggesting that his preoccupation with Iraq, his preoccupation with this, that, or the other thing, is the reason why he is not moving. I think it is because—that all may be true, but I do not think that is the central point. The central point is there are not many options on the table here. But what disturbs me is we seem to have no policy.

The initial policy that has been proffered as a good idea, there should be multilateral discussions, and a multilateral umbrella, I think, is the way it was phrased by the Secretary, under which to have serious discussions with the North Koreans. Holding up that umbrella would be Russia, China, Japan, and South Korea, along with us. And that is obviously, in my view, obviously, the preferred course. The problem is no one else wants to get under the umbrella. No one else is willing to sponsor or participate in that forum.

Now, I can understand the administration up to now, up to the Secretary of State's visit to the region last week, saying that, not giving up on that option. But I do not know how anyone can draw any solace from anything that happened on that visit of the Secretary of State. And I ask myself in trying to figure out what is going on, why are the Chinese, because it is clearly in the Chinese interest and the interest of the Chinese to have North Korea cease and desist, it is clearly against their interest for the Korean Peninsula to become nuclearized, which is what many of you have said and others have said and I have said, that it is a probable outcome over the next year or so or more if North Korea continues on this, hellbent on increasing their nuclear capability and stockpile.

And so I ask myself, why is it that the Chinese will not be more aggressive? Whether they could succeed or not is another question, but they clearly have the most leverage over North Korea. Why is it that the Russians seem almost to be mute on this subject? And the South Koreans, I understand, they have several hundred thousand people at stake if this goes wrong.

Now, I get to the point where I wonder: What are the U.S. options, if the multilateral option is not an option? And I am told that we are still pursuing that option. We are still pushing diplomatically. But if it is not an option, it seems to me there are only three options and you could categorize them in different ways I am sure, but my rough calculation is there is either, on the one hand, one option, war, or relent; in other words, the North Koreans blink. They are fearful that diplomatically, politically, militarily, economically they will be damaged, more damaged if they continue on this course and they will cease and desist, or war.

The second option is on our part, it appears to me, is resignation and containment. We resign to the fact that they are going to have x number of additional nuclear weapons or amounts of plutonium that is potentially available for export, but we believe we can contain it. Listening to President Bush yesterday, it sounds like for the first time, in a vocal way, he has raised one option, war, more vocally, and two, the second option, containment, in terms of na-

tional missile defense. As I read his statement in this morning's paper, he talked about, in this long interview, what we have to do is we have to get to national missile defense.

The third option is a negotiated deal, a potential option. But you have got to talk to get to that option, if it is an option. And as I examine this, it seems that everyone knows—it is sort of like the Middle East; everyone knows in the Middle East that any final deal is going to have to be no more settlements and no right of return. I mean, you know, there are certain things that everybody knows is going to have to be part of a final deal.

Well, if there is a negotiated deal, if that is possible—and, again, I want to say I am not at all sure it is possible. But if there is a negotiated deal, it will have to have two pieces, everybody knows. One is that the North Koreans will have to cease and desist from their nuclear program, as well as their rocket program, as well as their missile program. And I would hope, and if there were any such deal, and also from being the exporters, proliferators to the world. But the other side of that deal means that there would have to be some commitment relative to North Korean security in that we would not—regime change would be off the table, which leads me to my concluding point. As I have tried to figure this out as to why there is no policy now, it seems to me the policy—and this, I am going to ask you to speak to this and you may not want to. You may say, “I just do not know, Joe, so I don't want to speak to it at all.”

But it seems to me, this lack of a policy seems to be a reflection of a split within the administration between those who see as the ultimate objective in North Korea regime change, and those who see—as a primary objective, and those who see as the primary objective as getting the cease, desist, bottle up, and end their weapons programs here.

But you cannot have both in all probability. You are not going to get a negotiated deal where they agree to regime change and no weapons of mass—no nuclear program or missile program.

And so it takes me to the next point, and I just want you to, you know, think out loud with me when we get to the question period because that is what I am doing with you. I have thought a lot about this. Why would not the Chinese act more reasonably in their own self-interest here? Well, my staff, experts in my staff, tell me, well, they are worried about population flows. They are worried about significant migration. They are worried—all legitimate. I do not think that is the reason. I think the reason is they know they are going to be given a choice. They can sign on, I think, if they knew for sure we were talking about elimination of weapons. But they cannot sign on to regime change. They cannot be the only Communist nation left in the world taking on the only other Communist dictator in the world in terms of regime change. So I think that is the reason why we have had no traction with the Chinese that I am aware of, none.

This new vaulted relationship we are talking about, the new vaulted relationship with Putin and the Russians, no traction that I can see.

Now, maybe there is something going on, back channels, that I am going to wake up tomorrow morning and be surprised and elat-

ed about, but I do not see anything. And so, the inability to get China to move, the inability to get them to act in what everyone would acknowledge, and what they acknowledge privately, is in their own self-interest, it seems to me is cabined by our inability in this administration to resolve a policy. And what is the policy? Is the policy—which it was, Secretary Carter, when you were Assistant Secretary, of many of those who were in the administration, although it was split even then. Of some of those in the administration, it was, “You are making a mistake in anything having to do with these discussions in this Agreed Framework, because we are appeasing and we are prolonging the administration of the North.”

I mean, that is the ideological—or maybe that is the wrong word. That is the policy disagreement. That was at the root of why the criticism of the Agreed Framework bubbled up from 1994 on. And yet you have other people in the administration who signed on a report, both those who are viewed as far right and those viewed as centrist or whatever, however you want to call it, both in the State Department and in the Defense Department who are there now, who signed on to a report saying that, “You have got to talk. You have got to work out an agreement.”

And so my opening statement is more almost a plaintive plea for some enlightenment of whether or not my deducing as to how we got to where we are and why we do not have a policy is correct, because I do not know how to figure this out. I do not know how to approach this unless I can get a handle on how I think the administration—what is the impediment? It cannot be merely that we want to prove that we are tough guys and we are not going to be blackmailed. It cannot be that alone, because the war option is not a credible option as long as our chief ally, South Korea, says, “We are not in the deal.” And so I would like to talk about those things.

And I would like to ask unanimous consent that my formal opening statement be placed in the record.

But that is what I hope we can get into a little bit, at least in my questioning period with the three of you.

Thank you.

The CHAIRMAN. Your statement will be published in full, Senator Biden.

[The opening statement of Senator Biden follows:]

OPENING STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Mr. Chairman, North Korea’s pursuit of nuclear arms, in clear breach of its international treaty obligations has brought Pyongyang to the edge of the same precipice it approached in 1994.

Our challenge is clear: we must stop North Korea from going into serial production of fissile material. We must not acquiesce to the North’s nuclear ambitions.

If North Korea becomes a fissile material factory or even a declared nuclear weapons state, our national security will be gravely undermined. Asked what he would tell nervous Americans about North Korea, the President said Monday, “First, I’ll say that, let us accelerate the development of an anti-ballistic missile system,” so no nation could threaten the United States.

But National Missile Defense, even if it worked, wouldn’t prevent a desperate and isolated North Korean regime from selling plutonium to Al Qaeda or some other terrorist organization.

And if a conventional war erupts on the Korean Peninsula, National Missile Defense will not help us if Kim Jong-il, in desperation, uses nuclear weapons against U.S. or South Korean forces in a futile effort to forestall the end of his regime.

Mr. Chairman, this is serious business that demands urgent action by the administration.

Remarkably, the same administration that assured us that they would not let the world's most dangerous regimes threaten us with the world's most dangerous weapons seems utterly resigned to the prospect of North Korea building a substantial nuclear arsenal.

I'm amazed that we would sit back and let North Korea become a plutonium factory, churning out the world's most dangerous material and possibly selling it to the highest bidder.

We need to treat this problem for what it is—a crisis—and listen to all our allies in the region who say we can still head it off if we'd just sit down and talk to the North.

Why is the administration so reluctant to talk to North Korea? I'm not sure, but there are several possible answers.

It may be a question of face. We have said this is a multilateral issue and that it should be resolved multilaterally. To accept direct talks would constitute some kind of blow to our prestige. If this is true, I would say let's not put form over substance.

Perhaps the administration is distracted with Iraq and can't muster the attention to work both problems at the same time. I don't think that's the case. We have to be able walk and chew gum at the same time.

Perhaps it is because the administration seems to think that talking to North Korea is the same as appeasement. I guess it depends on what message we deliver in any talks.

Telling North Korea what it must do if it wants a more normal relationship with us is not appeasement. It is common sense, and it is the best way to advance our security.

Perhaps they worry that if they prove willing to talk to North Korea, people might ask them why they won't give diplomacy more time with Iraq. I think the two cases are so different that this is not a valid concern.

Perhaps the administration has concluded that any agreement they might reach with North Korea would not be verifiable? Maybe, but how can they know what kind of verification regime is possible until they try?

Or is the real reason behind their reluctance the fact that talks, if successful, would have to take regime change off the table as a U.S. policy objective, resigning us to live with an evil, if non-nuclear, North Korean state? I hope this is not the case, because it would constitute a gross mis-prioritization of U.S. interests on the Korean Peninsula.

I don't know why they won't talk with the North. But I do know what the result of not talking will be: a North Korea with enough plutonium to build 6 nukes in six months, or to sell the world's most dangerous material to the highest bidder.

Our witnesses today know the score. They know that only through direct, high level, dialog with North Korea do we have any chance to change North Korea's path. And only by trying dialog can we secure the support of South Korea, Japan, China, and others, if dialog fails.

I look forward to the sage counsel of our expert witnesses, each of whom has considerable expertise on dealing with the North Korea challenge.

The CHAIRMAN. Let me now welcome, officially, our three witnesses. First of all, I will introduce you in the order that we will ask you to testify: Ash Carter, who is now a co-director of the Preventive Defense Project at Harvard University. As many of you know, I paid tribute to Ash Carter many times because he was sort of a founding advisor to former Senator Sam Nunn and to me as we tried to work on the Cooperative Threat Reduction Act.

And Arnold Kanter, a principal and founding member of the Scowcroft Group; I want to just say, Arnie, when Sam Nunn and I were in Korea in 1994, we were reading your papers, even then, on Korea to the South Koreans. We did not have contact with the North at that occasion.

And Robert Einhorn, senior advisor of the International Security Program at CSIS, has been before this committee many, many times, a trusted advisor.

We really appreciate all three of you very much. All of your prepared statements have been made a part of the record, so you do not need to ask for permission to do that. And we will ask you to present and summarize your presentations in ways that you find helpful.

I would just mention, as a point of business, there will be a 10:30 vote in the Senate on the Estrada cloture situation. And so at that point, we will recess at 10:30 so that everybody may go and vote immediately and come back, and resume the hearing as rapidly as possible, at that point.

At this point I would like to recognize Secretary Carter.

STATEMENT OF HON. ASHTON B. CARTER, CO-DIRECTOR, PREVENTIVE DEFENSE PROJECT, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY, CAMBRIDGE, MA

Dr. CARTER. Thank you, Mr. Chairman and other members of the committee. I appreciate the opportunity to be back here again before you to talk about the loose nukes crisis in North Korea. Last time I was here, which was in early February, I described why this really is a crisis, what the stakes were for the United States in this situation, and some recollections about previous crises, in 1994 and 1998. This time you have asked me to analyze the prospect for talks with North Korea at this point, and I am happy to do so. But I thought first we ought to ask ourselves: Why talk to North Korea at all?

When he appeared with me before this committee on February 4, Deputy Secretary of State Armitage indicated that the U.S. Government intends to conduct direct talks with North Korea. And this is the right decision for the Bush administration. But it is worth pausing to ask why. After all, North Korea has a record of honoring its agreements with us that is, to put it charitably, mixed.

While North Korea kept the plutonium-containing fuel rods at Yongbyon under international inspections and its research reactor frozen for 8 years, ending this freeze only a few months ago, we also now know that it was cheating on other provisions of its international agreements by enriching uranium. And so this means that, at a minimum, any understanding in the future with North Korea will have to be very rigorously verified.

And in addition, the government of North Korea is very far, and both the chairman and Senator Biden made this point, once again to put it charitably, from sharing our values. Still, one is led to talks, to the idea of talks with North Korea, by reasoning through the full range of alternatives and from seeing the relationship among them.

One alternative is to let North Korea go nuclear, but to isolate, to contain, and to await the collapse of the North Korean regime.

President Bush said in his State of the Union Message that, "Nuclear weapons will only bring isolation to North Korea." But isolation must seem like pretty light punishment to the most isolated country on Earth.

Those who speak of containment envision a hermetic seal around North Korea, embargoing imports and interdicting shipments of exports, especially ballistic missiles. But the export we should worry most about is plutonium. After North Korea gets five or six bombs

from the fuel rods at Yongbyon, it might reckon that it has enough to sell a few and still have enough left over for itself, to sell to other rogues or to terrorists.

And it is entirely implausible, and I can say this as a technical matter, entirely implausible that we could effectively prevent a few baseball-sized lumps of Plutonium-239 from being smuggled out of Yongbyon and then out of North Korea. So containment in that sense, which is the most important sense of containment as regards North Korea, is technically unrealistic.

Not only is a nuclear weapons-sized quantity of Plutonium-239, as I said, small in size, this is material that is not highly radioactive, it does not emit an easily detected, strong signature that could be used to detect it if it were smuggled out of North Korea to a destination where terrorists could receive it.

The problem with awaiting the collapse of North Korea's regime is that there is no particular reason to believe it will occur soon. And in the meantime, between now and the time when it might collapse, North Korea can create lasting damage to our security and to international security, damage that will extend beyond the Korean Peninsula and well beyond the lifetime of the North Korean regime. The half-life of Plutonium-239 is 24,400 years. I do not know how long the North Korean regime is going to last, but it is not going to last that long. So in the period while we are waiting for it to collapse, it can damage our security.

In my last appearance before the committee, I cited the five reasons why letting North Korea go to serial production of nuclear weapons is really a disaster for U.S. security. And let me just remind you of those five reasons, any one of which would be a disaster.

First, and both the chairman and Senator Biden said this already, North Korea might sell the plutonium that it judges to be surplus to its own needs to States or terrorist groups. That is a pretty riveting prospect, because while hijacked airlines and anthrax-containing letters and so forth are a dangerous threat to civilized society, it would change the way we are forced to live if it were actually a realistic prospect that at any moment a great city, American or other, could disappear in a mushroom cloud. That is not a prospect we regard as realistic today because we believe all the metal from which one can make nuclear weapons is in the custody of a government somewhere that is responsible in its custodianship. But it would change the way we were forced to live if we believed that there were truly loose nukes.

Second, in a collapse scenario, you do not know into whose hands the material the North Korean regime makes while it persists will fall when the regime does collapse.

Third, even if the bombs remain firmly in the hands of the North Korean regime, their possession of nuclear weapons might lead the North Koreans to miscalculate that they had somehow tipped the balance of deterrence on the Korean Peninsula, deterrence which is now very strong. And that could, in turn, make war on the Korean Peninsula more likely. That is a third reason.

Fourth reason, if North Korea goes nuclear, then all of its neighbors need to ask themselves whether the choice they have made not to have nuclear weapons, is a safe and self-respecting choice for

them. And that means Japan; it means South Korea, of course; it means Taiwan, and possibly others.

And fifth, the domino effect could go worldwide. If the world's strangest, Stalinist throwback, impoverished, isolated country goes nuclear, and everybody sits back and just watches, what does that mean for the nonproliferation regime worldwide?

So those are five reasons, any one of which is pretty attention-getting.

It appears from reading the press that the path of letting North Korea go nuclear, coupled with isolation, containment, and awaiting collapse, is, as a practical matter, the path we are on. And this is the worst path, the worst alternative of all.

A second alternative is to use military force to arrest North Korea's race to nuclear weapons. I described last time I was here the strike plan on Yongbyon that was devised in 1994, the last time North Korea was moving toward reprocessing at Yongbyon. A strike with conventionally armed precision weapons at Yongbyon's fuel rods and reprocessing facility would not eliminate North Korea's nuclear program, but it would set it back for years. And I do not think there is any doubt that that strike is technically feasible.

If we were to strike Yongbyon, North Korea would have a choice. It could respond by lashing out at South Korea through an invasion across the DMZ, but that would precipitate a war that would surely lead to the end of the North Korean regime. There is no guaranteeing that the North would not make such a foolish choice, but that is the risk we must run in this option. It is a risk worth taking to avoid the disaster associated with the first alternative of letting North Korea go nuclear.

As a practical matter, we are in a much better position to threaten or conduct such a strike if we have previously made an effort to talk North Korea out of its nuclear programs. Even if you are a pessimist about the success of talks, they are a prerequisite for exercising this second alternative.

A third alternative is to try to talk North Korea out of its nuclear ambitions. And as was mentioned previously, I share the assessment that—a year ago I would have assessed that it was likely we could reach an agreement on terms acceptable to us to stop North Korea from going nuclear in a verifiable way. Since then we have let our options narrow. And now I fear that North Korea might have concluded that it could dash across the nuclear finish line into a zone where it is invulnerable to American attempts to force regime change, since it suspects that is our objective.

We must, therefore, view talks as an experiment. If the experiment succeeds, we will have stopped North Korea's nuclear program without war. If it does not, it was in any event the necessary step toward making the alternative of military force realistic.

How should talks be conducted? I will just say a few words about that. The two negotiators to either side of me have much more experience in those matters than I. It is clear that we cannot conduct direct talks with North Korea while it is advancing its nuclear programs. So we must, therefore, insist that during talks North Korea reinstate the freeze at Yongbyon. And in return, we can refrain from taking any steps toward military action during the period of talks.

Secretary Armitage indicated the United States would participate in direct talks, meaning that Americans and North Koreans would be in the same room. This is necessary. We cannot outsource our deepest security matters to China, Russia, or the United Nations. And only the United States can convincingly tell North Korea that it will be less safe, not more safe, if it proceeds with nuclear weapons. This is the crux of the matter. That is the reason why we have to be in the room.

Now, that said, others can be in the room at the same time, and there can be more than one room, and having others in the room with us might be advantageous. Certainly, we will have a richer set of sticks and carrots if our negotiating strategy is closely coordinated with our allies, Japan and South Korea. And coordination is necessary in any event with those two parties, our allies there, in order to maintain the critical alliance relationships that have an importance, and goes well beyond North Korea. They buttress our entire strategy in the region.

In the past we have conducted parallel bilateral talks. That is U.S./North Korean, South Korean/North Korean, and Japanese/North Korean, all in parallel-coordinated fashion, rather than meeting in one room. But when we have done this, we have been careful to coordinate the three tracks.

China and Russia have also strongly supported the proposition that North Korea must not go nuclear. But their influence, and this was mentioned earlier by Senator Biden, is not apparent yet, at least to me. They might be willing to play a more effective role once we have set out a strategy into which they can play a part.

The United Nations can also play a critical role, particularly if North Korea were to agree to IAEA inspectors returning. We should continue to proceed at the United Nations, but as a complement, not a substitute, for direct talks.

What should our position be in these direct talks? We should enter the talks with a clear sense of our objectives. At the top of the list, above all other objectives we might have with North Korea, should be the complete and verifiable elimination of North Korea's nuclear weapons programs, both plutonium-based and uranium-based, and its long-range missile programs. This objective includes, but goes beyond, the obligations contained in previous agreements made by North Korea, well beyond.

The United States should also make it clear to North Korea that it cannot tolerate North Korean progression to reprocessing or any other steps to obtain fissile material for nuclear weapons, and that we are prepared to take all measures of coercion, including military force, to prevent this threat to U.S. security.

In return, there are two things that it should be easy for the United States to offer. First, we should be prepared to make a pledge to North Korea that the United States will not seek to eliminate the North Korean regime by force if North Korea agrees to the complete and verifiable elimination of its nuclear weapons and long-range missile programs.

Absent a realistic plan or timetable for regime change—and that is a matter I discussed when I was here previously. That was a matter that we looked at very carefully in the North Korea policy review, led by former Secretary of Defense Bill Perry in the 1999/

2000 period. Absent a realistic plan or timetable for regime change, we must deal with North Korea as it is, rather than as we might wish it were. Turning that reality, unless somebody can give me a plan I have not seen, into a pledge should not be difficult.

Second, we should be prepared to offer assistance for weapons elimination as the U.S. has done in a very different context to the States of the former Soviet Union under the famous Nunn-Lugar program.

Over time, if the talks are bearing fruit, we can broaden them to encompass other issues of deep concern to the United States, such as conventional forces, avoidance of provocations and incidents, and human rights; and other issues of interest to North Korea, such as energy security and economic development. We should also offer a longer-term vision of gradual and conditional relaxation of tension, including the possibility of enhanced economic contacts with the United States, South Korea, and Japan.

In this approach, the U.S. diplomatic position should be a component of a common overall position shared with our allies, in which we pool our diplomatic tools: sticks and carrots. In a shared strategy, we will also need to pool our objectives, so that we are seeking a set of outcomes that South Korea and Japan also share.

If an agreement emerges from direct talks, it will supersede and replace the 1994 Agreed Framework, which has been controversial in the United States and, it appears, not even entirely to the liking of the North Korean leadership. As in 1994, the agreement must, of course, include the freezing and progressive dismantlement of the plutonium program, but we now know it has to also include verifiable provisions for eliminating the uranium enrichment program, and to the Agreed Framework's emphasis on nuclear weapons must be added verifiable elimination of North Korea's ballistic missile program.

In return, the United States and its allies must make it convincing to North Korea, and this is the crux of the matter, that forswearing nuclear weapons and ballistic missiles is its best course, the only safe course for it.

Mr. Chairman, members of the committee, as I stressed earlier, I am by no means certain that a diplomatic approach including direct talks will succeed, but it is a necessary prelude to any military action, and it is far preferable to just standing back and watching the disaster of North Korea going nuclear. Thank you.

The CHAIRMAN. Thank you very much, Secretary Carter.

[The prepared statement of Dr. Carter follows:]

PREPARED STATEMENT OF HON. ASHTON B. CARTER, CO-DIRECTOR, PREVENTIVE DEFENSE PROJECT, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY

ALTERNATIVES TO LETTING NORTH KOREA GO NUCLEAR

Mr. Chairman and members of the Committee, thank you for inviting me back to testify before this Committee on the loose nukes crisis in North Korea. In my last appearance I described why this was a crisis, how enormous the stakes are for our security, and my recollections of the last two crises in 1994 and 1998. This time you have asked me to analyze the prospect for direct talks with North Korea, and I am happy to do so.

Why talk to North Korea at all?

When he appeared here before this Committee shortly before me on February 4th Deputy Secretary of State Armitage indicated that the U.S. government intends to conduct direct talks with North Korea. This is the right decision for the Bush administration.

But it is worth pausing to ask why.

After all, North Korea's record of honoring its agreements with us is, to put it charitably, mixed. While the North kept the plutonium-containing fuel rods at Yongbyon under international inspections and its reactor frozen for eight years, ending this freeze only a few months ago, we now know it was cheating on other provisions of its international agreements by enriching uranium. This means, at a minimum, that any future understandings with North Korea will need to be rigorously verified.

In addition, the government of North Korea is very far, once again to put it charitably, from sharing our values.

Still, one is led to direct talks by reasoning through the full range of alternatives and from seeing the relationship between them.

One alternative is to let North Korea proceed to go nuclear, but to *isolate, contain, and await the collapse* of the North Korean regime.

President Bush said in his State of the Union message that "nuclear weapons will only bring *isolation*, economic stagnation, and continued hardship" to North Korea. Isolation must seem like pretty light punishment to the most isolated country on earth.

Those who speak of *containment* envision a hermetic seal around North Korea, embargoing imports and interdicting shipments of exports, especially ballistic missiles. But the export we should worry most about is plutonium. After North Korea gets five or six more bombs from the fuel rods at Yongbyon, it might reckon it has enough to sell to other rogues or, far worse, to terrorists. It is entirely implausible that we could effectively prevent a few baseball-sized lumps of plutonium from being smuggled out of Yongbyon. Not only is a nuclear weapon-sized quantity of Plutonium-239 small in size, but it is not highly radioactive and does not emit a strong signature that could be detected if it were to be smuggled out of North Korea to a destination where terrorists could receive it.

The problem with *awaiting collapse* in North Korea's regime is that there is no particular reason to believe it will occur soon, and in the meantime North Korea can create lasting international damage—damage that will extend beyond the Korean Peninsula and beyond the lifetime of the North Korean regime.

In my last appearance before the Committee, I cited the five reasons why *letting North Korea move to serial production of nuclear weapons is a disaster for U.S. and international security*:

First, North Korea might sell plutonium it judges excess to its own needs to other states or terrorist groups. North Korea has few cash-generating exports other than ballistic missiles. Now it could add fissile material or assembled bombs to its shopping catalogue. Loose nukes are a riveting prospect: While hijacked airlines and anthrax-dusted letters are a dangerous threat to civilized society, it would change the way Americans were forced to live if it became an ever-present possibility that a city could disappear in a mushroom cloud at any moment.

Second, in a collapse scenario loose nukes could fall into the hands of warlords or factions. The half-life of Plutonium-239 is 24,400 years. What is the half-life of the North Korean regime?

Third, even if the bombs remain firmly in hands of the North Korean government they are a huge problem: having nukes might embolden North Korea into thinking it can scare away South Korea's defenders, weakening deterrence. Thus a nuclear North Korea weakens deterrence, thereby making war on the Korean Peninsula more likely.

Fourth, a nuclear North Korea could cause a domino effect in East Asia, as South Korea, Japan, and Taiwan ask themselves if their non-nuclear status is safe for them.

Fifth and finally, if North Korea, one of the world's poorest and most isolated countries, is allowed to go nuclear, serious damage will be done to the global non-proliferation regime, which is not perfect but which has made a contribution to keeping all but a handful of problem nations from going nuclear.

It appears from reading the press that the path of letting North Korea go nuclear, coupled with isolation, containment, and awaiting collapse, is the path we are on at this moment. *This is the worst alternative.*

A second alternative is to use military force to arrest North Korea's race to nuclear weapons. I described previously the attack plan on Yongbyon we devised in 1994, the last time North Korea was moving towards reprocessing at Yongbyon. A strike

with conventionally-armed precision weapons at Yongbyon's fuel rods and reprocessing facility would not eliminate North Korea's nuclear program, but it would set it back for years. If we were to strike Yongbyon, North Korea would have a choice. It could respond by lashing out at South Korea through an invasion over the DMZ, but that would precipitate a war that would surely mean the end of the North Korean regime. There is no guaranteeing that the North would not make such a foolish choice. But that is the risk we must run in this option; it is the risk worth taking to avoid the disaster associated with the first alternative of letting North Korea go nuclear. As a practical matter, we are in a much better position to threaten or conduct such a strike if we have previously made an effort to talk North Korea out of its nuclear programs. Even if you are a pessimist about the success of talks, therefore, they are a prerequisite for exercising this alternative.

The third alternative is to try to talk North Korea out of its nuclear ambitions. A year ago I would have assessed that it was likely we could reach an agreement on terms acceptable to us to stop North Korea's nuclear programs and ballistic missile programs in a verifiable way. Since then we have let our options narrow. Now I fear that North Korea might have concluded that it could dash over the nuclear finish line into a zone where it is invulnerable to American attempts to force regime change, since it suspects that is our objective. We must therefore view talks as an experiment. If the experiment succeeds, we will have stopped North Korea's nuclear program without war; if it does not, it was in any event the necessary step towards making the alternative of military force realistic.

How should direct talks be conducted?

It is clear that the United States cannot conduct direct talks with North Korea while it is advancing its nuclear programs. We must therefore insist that during talks, North Korea reinstate the freeze at Yongbyon. In return the United States can refrain from any military buildup on the peninsula.

Secretary Armitage indicated that the U.S. would participate in direct talks, meaning that Americans and North Koreans would be in the same room. This is necessary. We cannot outsource our deepest security matters to China, Russia, or the United Nations. Only the U.S. can convincingly tell North Korea that it will be less safe, not more safe, if it proceeds with nuclear weapons—and this is the crux of the matter.

Others can be in the room at the same time, and having them with us in the room might be advantageous. Certainly we will have a richer set of sticks and carrots if our negotiating strategy is closely coordinated with our allies, Japan and South Korea—and coordination is necessary in any event to maintain the critical alliance relationships that buttress our entire strategy in the Asia-Pacific region. In the past we have conducted parallel bilateral negotiations—U.S.-DPRK, ROK-DPRK, and Japan-DPRK all in coordinated fashion—rather than meeting in one room with North Korea. But when we have done this, we have been careful to coordinate closely with Japan and South Korea.

China and Russia have also strongly supported the proposition that North Korea must not go nuclear. But their influence is not apparent, at least to me. They might be more willing to play a constructive role once we have set out a strategy into which they can play.

The United Nations can also play a critical role, particularly if North Korea were to agree to IAEA inspectors returning. We should continue to proceed at the U.N., but as a complement, not a substitute, for direct talks.

What should be the U.S. position in direct talks?

We should enter direct talks with a clear sense of our objectives. At the top of the list, above all other objectives we might have with North Korea, should be the complete and verifiable elimination of North Korea's nuclear weapons (both plutonium-based and uranium-based) and long-range missile programs nationwide. This objective includes, but goes beyond, all the obligations contained in previous agreements made by North Korea.

The United States should also make it clear to North Korea that it cannot tolerate North Korean progression to reprocessing or any other steps to obtain fissile material for nuclear weapons, and that we are prepared to take all measures of coercion, including military force, to prevent this threat to U.S. security.

In return, there are two things that it should be easy for the United States to offer.

First, we should be prepared to make a pledge to North Korea that the U.S. will not seek to eliminate the North Korean regime by force if North Korea agrees to the complete and verifiable elimination of its nuclear weapons and long-range missile programs. Absent a realistic plan or timetable for regime change, we must deal

with North Korea as it is, rather than as we might wish it to be. Turning a reality into a pledge should not be difficult.

Second, we should be prepared to offer assistance for weapons elimination, as the U.S. has done to the states of the former Soviet Union under the Nunn-Lugar program.

Over time, if the talks are bearing fruit, we can broaden them to encompass other issues of deep concern to the United States, such as conventional forces, avoidance of provocations and incidents, and human rights; and to North Korea, such as energy security and economic development. We should also offer a longer-term vision of gradual and conditional relaxation of tension, including the possibility of enhanced economic contacts with the United States, South Korea, and Japan.

The U.S. diplomatic position should be a component of a common overall position shared with our allies, in which we pool our diplomatic tools—carrots and sticks. In a shared strategy, we will also need to pool our objectives, so that we are seeking a set of outcomes that South Korea and Japan also share.

If an agreement emerges from direct talks, it will supersede and replace the 1994 Agreed Framework, which has been controversial in the United States and, it appears, not entirely to the liking of the North Korean leadership, either. As in 1994, the agreement must of course include the freezing and progressive dismantlement of the plutonium program at Yongbyon. We now know it must also include verifiable provisions for eliminating the uranium enrichment program. To the Agreed Framework's emphasis on nuclear weapons must also be added verifiable elimination of North Korea's ballistic missile program.

In return, the U.S. and its allies must make it convincing to North Korea that forswearing nuclear weapons and ballistic missiles is its best course—the only safe course.

Conclusion

Mr. Chairman and members of the Committee, as I stressed earlier, I am by no means certain that a diplomatic approach including direct talks will succeed. But it is a necessary prelude to any military action, and it is far preferable to standing back and watching the disaster of North Korea going nuclear.

The CHAIRMAN. Mr. Kanter.

STATEMENT OF DR. ARNOLD KANTER, PRINCIPAL, THE SCOWCROFT GROUP, WASHINGTON, DC

Dr. KANTER. Thank you, Mr. Chairman, members of the committee. I appreciate this opportunity to join my colleagues here on the panel to discuss the North Korea issue and the relevance of the 1994 Agreed Framework to where we go from here. And as it will be clear from my remarks, I think we have all pretty much figured out that this animal we are all groping, is an elephant.

We are facing a crisis. If the term "crisis" means anything, it means a dangerous problem that requires urgent attention. As a result of deliberate North Korean provocations, that is the situation we face today on the Korean Peninsula. It is, moreover, a situation that is likely to grow steadily more dangerous unless and until it is actively addressed.

I think it also should be noted that this escalating series of North Korean actions places two additional obstacles in the way of finding an effective political solution.

First, it tends to split and polarize opinion among precisely those allies, and other regional actors, whose support will be indispensable to the success of any approach.

Second, it makes it harder and harder for the United States itself to show flexibility, lest that flexibility look like a response to escalating North Korea blackmail.

Against this backdrop, let me turn to the question of what a U.S. approach should look like. I think there is a natural tendency to take the Agreed Framework as the point of departure. I believe,

however, that that is the wrong place to begin, because it begs or assumes answers to what I believe are the right questions, namely, “What are the North Korean problems or threats that we properly should be addressing? That is, what is the appropriate scope of a U.S. approach? And then, how can we best deal with these problems and threats?”

What I do not find to be a particularly useful question in fashioning a strategy, is to agonize over whether North Korea really would be willing to abandon its nuclear ambitions. First, there is no way to make confident predictions about the behavior, much less the objectives, of an isolated, demonstrably unpredictable regime.

Second, it is reasonable to assume that North Korea, like my mother, wants to have it both ways.

That is, they presumably would want all of the benefits of a deal and the benefits they think they would achieve by a covert continuation of their nuclear and missile programs, that is, by cheating.

And so our challenge is to design an approach that, at a minimum, denies them the possibility of having it both ways and, ideally sets in motion indigenous forces that both reduce the incentives to cheat and increase the chances of whistleblowing if cheating is attempted.

Third, we cannot know the answers to the question until we make an authentically good-faith effort to find out, that is, until we really try to negotiate a reasonable deal.

And, finally, and in some ways to me most important, if we do make such a good-faith effort, and if that proves to be unsuccessful, we will be in an immensely stronger position internationally to deal with a North Korea that has, by its failure to agree, shown to be determined to be a dangerous nuclear and missile proliferator.

So to reiterate, I believe we should start with a clean sheet of paper in fashioning the U.S. approach, rather than just assume that we should pick up where the Agreed Framework left off. That said, I do believe that it is useful to briefly review the terms of the Agreed Framework, to generate a kind of checklist of issues that will need to be considered in fashioning any new U.S. strategy.

As we all know, the Agreed Framework was most of all a limited deal. It was the best the U.S. side thought it could get to address an immediate crisis. It was confined to the North Korean nuclear program. Within the nuclear program, it was predominantly about plutonium-related activities, and addressed highly enriched uranium [HEU] only by implication. It did no more than freeze these plutonium-related activities until we would be well along the implementation timetable. And as we have now seen, the limits on North Korean actions were easily reversible by Pyongyang.

In exchange for the undertakings by the North Korean side, the United States and other members of the international community offered some inducements. The North Koreans were offered light water reactors, which as the U.S. side fully recognized at the time, make no economic sense whatsoever in terms of modernizing North Korea’s energy sector or meeting its pressing development needs. They were simply the price of getting North Korea’s agreement.

The North Koreans also got interim supplies of heavy fuel oil for their thermal power plants. We made a commitment to move toward more normal political and economic relations, and we offered security assurances, specifically, assurances against the threat or use of nuclear weapons.

In form, the Agreed Framework was a bilateral agreement. In substance, I think it was multilateral in important respects. First, the whole process of negotiations involved very close and continuous consultations and coordination between the United States, Japan, and South Korea, and the Perm Five. Second, implementation of the Agreed Framework was accomplished through a multilateral consortium, KEDO.

Armed with this checklist, I conclude that the Agreed Framework would be the wrong point of departure both for fashioning U.S. policy on North Korea, and for engaging the North Koreans. Politically, the Agreed Framework is damaged goods. But more important, substantively, its focus is too narrow and its ambitions are too limited.

Let me hasten to add, however, that I think it would be a mistake, a serious mistake, to declare the Agreed Framework dead before we have anything to take its place.

Let me address what I think would be the proper scope of a new approach, and this very much follows what Ash has said. North Korea poses a whole host of issues, problems, and threats. I do not believe, however, that we should try to address all of them, much less simultaneously, because it is a near certainty that if we do try to do so, we will overreach and we will fail.

At the other extreme, while the current preoccupation with the North Korean nuclear program is understandable, I believe it is too narrow a focus. I believe the U.S. approach should address as a first priority the twin issues that are at the core of the North Korean WMD threat; that is, it should encompass the North Korean ballistic missile problem, as well as the nuclear problem.

Our approach should address North Korean capabilities to threaten its neighbors, and the North Korean capacity to provide these WMD capabilities to others. And we should do so in ways that give us confidence that the actions that North Korea takes are not easily reversible. Accordingly, our objective ought to be the verifiable dismantlement of North Korean nuclear and missile programs.

Conversely, I believe that other than possible confidence-building measures, we should defer efforts to reduce the North Korean conventional military threat. We, likewise should defer efforts to address such problems as North Korea's horrifying human rights practices and other issues that are not related to immediate security concerns.

Next, let me turn to the form and process of the U.S. approach. I think this is a good place to make explicit that which is both obvious but fundamental: North Korea is not just a problem for the U.S., but for the international community. It is, in a word, a multilateral problem. And any strategy for addressing it must take this essential fact as its point of departure.

As we all know, often from bitter experience, virtually any unilateral approach that aims at a political solution is vulnerable to

being undermined by others. To be effective, therefore, any moves by us to pressure, leverage, or isolate North Korea until it abandons its nuclear and missile ambitions must be taken in close coordination with the other key actors. And so it follows that the first challenge for U.S. diplomacy is to persuade our allies, friends, and others in the region that North Korea is not just a U.S. problem that is amenable to a purely U.S. solution. On the contrary, we have a common fate and we must make common cause.

And our diplomatic objective should be to persuade each of the key regional actors to make clear to Pyongyang, by word and by deed, that they are not just messengers for the United States, but that North Korean actions are threatening their respective core interests.

Now, time does not allow me to go into detail, but I think, at the same time, we need to be candid in recognizing that the concerns and the priorities of these other key regional actors are unlikely to coincide perfectly with our own, and our strategy needs to take account of those differences as well. The approach to North Korea also needs to be multilateral because, as in the case of the Agreed Framework, it is hard to imagine any proposal that would be attractive to North Korea that would not depend on the active cooperation and tangible support from others for its implementation.

And, finally, and key, North Korea requires a multilateral approach because, as has become increasingly obvious over the last several weeks, the crisis is putting our key relationships, starting with the relationship we have with South Korea, at risk.

These considerations tell me that a framework for dealing with North Korea must be multilateral at least in the sense that there is genuine and sustainable consensus on the objectives, approach, *quid pro quos*, and so forth. Absent real agreement on these kinds of issues, I do not know what a multilateral strategy means or looks like. But given real agreement, I think the modalities of how we engage with the North Koreans matter a lot less; that is, whether the negotiations with Pyongyang take place in a multilateral forum or whether the United States takes the lead in “direct talks,” while others have parallel reinforcing engagements with the North Koreans.

Put another way, I think the debate about form—whether talks with the North Koreans should be multilateral or could be direct and bilateral—is somewhere between irrelevant and distracting, and in no event should it be allowed to be a major stumbling block.

Finally, let me say a word about how we should get started. I believe we face an urgent, essentially tactical, yet critically important task that is a first step in a broader, more strategic approach. What is perhaps most striking about North Korea’s recent actions, is not just the number of steps it has recently taken toward the nuclear brink, but also the speed with which it has taken them. We need to stop this momentum. We need to get the North Koreans to immediately freeze both their nuclear and ballistic missile programs in place before the problem becomes even more dangerous and difficult, and before we are left with only profoundly unattractive options.

This means, on the one hand, we need to be clear with North Korea about our red lines, starting with the reprocessing of pluto-

nium in the spent fuel rods. On the other hand, I believe that in exchange for an immediate freeze, we should offer to meet with the North Koreans. For our part, it need be nothing more than a preview of coming attractions; for example, telling the North Koreans in general terms, both what the international community requires of them and why it would be in their interest to respond positively. I believe such an offer could offer several benefits.

First, it might be a face-saving way for the North Koreans to stop their self-destructive march toward the brink. Second, countries that thus far have been unwilling or unable to press North Korea to meet our demands might see such an offer by us as a reason to engage Pyongyang in exactly the kind of concerted way that an effective multilateral approach demands. And, third, it could help end the sterile debate over “form” that is increasing strains among those who need to work together on North Korea.

But, again, freezing the North Korean nuclear and missile programs is just a tactical first step to create conditions that would be more conducive to a lasting arrangement. I have already indicated what I believe our core goal should be. And in pursuing these objectives, the approach to the North Koreans should convey pretty much the sense that everything is on the table.

Specifically, we should be willing to provide security assurances to North Korea that affirm that we have no hostile intent toward them; that is, the problem is the North Korean programs and actions that pose a threat to regional and international stability. We, therefore, should be prepared to assure North Korea that if and as that threat disappears, it need have no concern about its own security.

We also should be prepared to take steps to end North Korea’s political and economic isolation. Not only are such measures likely to be the price of a deal, I think it is also important to recognize that they additionally would be in our self-interest.

First, we have a clear interest in a stable Korean Peninsula and, therefore, in avoiding an abrupt North Korean implosion.

Second, much of North Korea’s isolation is self-imposed. That isolation is the source of the regime’s control over the North Korean people. And it is very likely a root cause of North Korea’s paranoia. And so it follows that steps that erode that isolation would serve both the immediate objectives and our longer-term objectives.

Obviously, everything would depend upon the specific terms of a deal, but just as obviously, the goal of any deal must be much more than simply to return to the Agreed Framework and to restore the status quo ante. This is not, and cannot be, about paying twice for the same horse. The idea is to buy a whole new horse.

In conclusion, it must be said that there is nothing in the history of North Korean agreements that give any grounds for optimism that they would honor a new, more lasting deal. That is why our objective should be the verifiable dismantlement of North Korean nuclear and ballistic missile capabilities, and that is why anything we offer to Pyongyang in return must be at least as reversible as any undertakings they make.

There, likewise, as Senator Biden suggested, is just too much history to be confident that there is even a new deal to be made, and just as—much less be confident that there is a deal to be made that

Pyongyang will keep. But it is unarguably in the U.S. interest to make every effort to lead an international campaign to achieve a political solution. Not only do the stakes require it, but it also would pay big dividends if, in the end, there is no political solution and other alternatives must be considered.

Thank you.

The CHAIRMAN. Thank you, Dr. Kanter.

Mr. Einhorn.

**STATEMENT OF ROBERT J. EINHORN, SENIOR ADVISOR,
INTERNATIONAL SECURITY PROGRAM, CENTER FOR STRA-
TEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC**

Mr. EINHORN. Thank you Mr. Chairman, other members of the committee for giving me the opportunity to testify this morning.

The CHAIRMAN. I wonder if you might pull that microphone closer, or turn it on.

Mr. EINHORN. OK. I think just turning it on will help.

Thank you, Mr. Chairman.

Recent North Korean behavior has tended to give a boost to the theory that the DPRK, rather than being willing to trade away its nuclear option, is determined to acquire and retain nuclear weapons. But the implications of North Korea becoming a nuclear power are so disturbing that before we resign ourselves to that outcome, we should put Pyongyang's declared willingness to give up nuclear weapons to the test, and the best way to test it is at the negotiating table. We need to engage very soon, because in a matter of weeks North Korea could reprocess enough plutonium for about five nuclear weapons.

I would like to offer the committee some suggestions on getting that engagement underway and carrying it forward. The question of who would participate in negotiations with the DPRK has recently become a stumbling block. The U.S. has favored a multilateral approach, while North Korea has adamantly rejected a multilateral framework, and instead has insisted on engaging the United States bilaterally.

The Bush administration is right that the challenge posed by North Korea is not simply a bilateral matter between the United States and the DPRK. North Korea's neighbors and the rest of the international community have a huge stake in the outcome, and they should participate both in the development and in the implementation of any solution. At the same time, it is clear that mutual threat perceptions between Washington and Pyongyang are a central feature of the current situation, and that any solution will have to take the particular needs of these two protagonists into account.

I agree with Ash Carter; we cannot outsource such questions as achieving an effectively verifiable means of ensuring compliance.

In these circumstances, it is reasonable to begin the negotiating process with bilateral U.S./North Korean talks, primarily on the nuclear issue. In parallel, a multilateral group could be convened, consisting perhaps, of the P-5, South Korea, Japan, European Union, and Australia. It could initially serve as a mechanism in which the United States could consult the others on its plans for dealing with the North Koreans on the nuclear issue.

Eventually, perhaps after a general framework had been developed on the nuclear issue, the multilateral forum, now with the North Koreans participating, could become the umbrella under which a variety of bilateral and multiparty engagements with North Korea could take place.

A number of promising variants of this idea could be devised. What is critical is to get the talks started right away, and to get other governments to recognize their responsibility for helping achieve a solution. Once a workable formula on participation can be found, it will be important to create an environment in which neither the United States nor the DPRK has to negotiate under duress.

Therefore, North Korea should pledge that while the talks are underway it will not reprocess its spent fuel, and it will permit the International Atomic Energy Agency to return to Yongbyon for the purpose of reapplying monitoring seals at its reprocessing facility.

For its part, the United States should pledge that as long as those seals are intact, it will not engage in military action against Yongbyon and will not support United Nations sanctions against North Korea. There should be no other preconditions for getting the talks started.

For the talks to have any chance at succeeding, North Korea must be given a clear choice between a much brighter future without nuclear weapons and a much bleaker one with them. This requires both carrots and sticks.

The U.S. administration is right that the North Koreans should not be rewarded for simply coming into compliance with their existing obligations. But that principle does not mean the DPRK should not be offered additional incentives for accepting additional obligations. In other words, more for more. I think this is what Arnie Kanter was talking about when he spoke about the "whole new horse."

In exchange for verifiable commitments by North Korea that would terminate its nuclear weapons program and address a range of other concerns, the United States and other countries should be prepared to address the DPRK's needs in the energy, food, infrastructure, and other economic areas, as well as its concerns about sovereignty and security.

The vision of a better future must be credible to North Korea if we want to influence their behavior, but the high cost of continuing on their current reckless course should also be clear. So far, this message has not been conveyed clearly enough.

Chinese leaders should use private channels to tell their obstreperous old friends that China will not use its veto to block U.N. sanctions if North Korea disregards their advice and opts for nuclear weapons.

The message from Seoul is probably even more important. But so far, South Korea's new President, Roh Moo-hyun, has spoken as if a peaceful diplomatic solution could be achieved with only carrots and no sticks. His administration should be frank with Pyongyang that a DPRK decision to become a nuclear power would put a brake on inter-Korean relations.

With regard to the agenda for negotiations, the nuclear issue deserves the highest priority. Beyond that, there is a wide-range of subjects that various countries wish to take up with Pyongyang.

The Bush administration previously spoke about a comprehensive agenda that, in addition to the nuclear issue, also covered missile exports, North Korea's indigenous missile program, conventional arms, and human rights.

Administration officials said that they would insist on making progress across the board, and would not conclude separate agreements on some issues if deliberation on other issues was not getting anywhere.

All the items on the administration's agenda, in my view, are important and should be pursued with North Korea. But insisting on progress on all issues as a condition for reaching agreement on any of them, could lead to a prolonged stalemate. And it could preclude near-term agreements on items of urgency, such as stopping North Korea's long-range missile exports. So while progress should be sought on a wide-range of issues, the items should not be tightly linked.

Finally, close coordination with South Korea will be critical both to improving prospects for a negotiated solution to the nuclear issue, and to preserving the strength of an alliance relationship that is vital to stability in Northeast Asia, but that has become quite strained in the last few years.

In the weeks ahead, the Bush and Roh administrations should make every effort to forge a common approach on the nuclear issue. In the absence of such a common approach, Pyongyang will have every incentive to prolong the crisis in the hope of exacerbating U.S.-ROK differences and stimulating anti-Americanism in South Korea.

Mr. Chairman, we have all read news reports in recent days that the Bush administration is now accepting as inevitable that North Korea will reprocess the spent fuel and become a nuclear power. According to those reports, the administration has essentially given up on preventing such a development and is now falling back to a policy of trying to stop a nuclear armed North Korea from selling fissile material to hostile States and terrorist groups.

I hope these reports are inaccurate. North Korea may well have decided that its survival depends on having nuclear weapons and that it must proceed rapidly to amass a small nuclear arsenal. But at this stage, we certainly do not know that, and given the huge stakes involved it would be a monumental error if, out of an aversion to dealing with the regimes we do not like, we fail even to explore whether an agreement could be reached that could credibly terminate North Korea's nuclear program.

If North Korea has indeed decided that it must have nuclear weapons, then any negotiations will fail. In that event, we will have no choice but to turn to the policy of pressure, isolation, and containment. And having tried the path of negotiations, we will be in a stronger position to mobilize international support for such an approach. But before setting ourselves on such a troublesome course, we should find out at the negotiating table whether a better outcome is possible.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you very much, Mr. Einhorn.
[The prepared statement of Mr. Einhorn follows:]

PREPARED STATEMENT OF ROBERT J. EINHORN, SENIOR ADVISOR, CENTER FOR
STRATEGIC AND INTERNATIONAL STUDIES

NEGOTIATIONS WITH NORTH KOREA

Mr. Chairman, thank you for the opportunity to testify before the Committee this morning on the question of negotiating with North Korea.

As the current nuclear impasse grows more serious, we still do not know for sure whether North Korea is irrevocably committed to having nuclear weapons or is instead prepared to give up the nuclear option in exchange for security assurances and other benefits. The succession of steps North Korea has taken in recent months to end the plutonium freeze at Yongbyon—together with its clandestine uranium enrichment program begun in the late 1990s—have cast increasing doubt on the relatively benign explanation that Pyongyang is willing to trade away its nuclear program. In a matter of weeks, it could take the fateful step of starting the reprocessing of spent fuel rods that could produce enough plutonium for about five additional nuclear weapons.

If the North Koreans are indeed determined to acquire and retain nuclear weapons, there is little we can do short of war to stop them. But the implications of the DPRK becoming a nuclear power are so disturbing that, before we accept that outcome as a *fait accompli*, we should put Pyongyang's declared willingness to give up nuclear weapons to the test at the negotiating table. And while the U.S. Administration is understandably reluctant to convey the impression that it is eager for talks and susceptible to North Korea's notorious brinkmanship tactics, the fact of the matter is that time is fast running out to head off actions that would be very difficult to reverse.

So the U.S. should engage with North Korea, and should do so soon. My testimony provides some suggestions on getting that engagement underway and on carrying it forward.

Participation in the negotiations

The question of who would participate in negotiations with the DPRK has recently been a serious stumbling block. The U.S. has favored a multilateral framework and has reportedly considered a number of variants, including a forum that included the five Permanent Members of the United Nations Security Council, North and South Korea, Japan, the European Union and Australia. The North Koreans, however, have adamantly opposed a multilateral approach and have insisted on direct, bilateral talks between themselves and the U.S.

The Bush Administration is right that the challenge posed by North Korea is not simply a bilateral matter between the U.S. and DPRK, North Korea's neighbors and others in the international community have a huge stake in the outcome of the crisis, and they should therefore participate in both the development and implementation of any solution. At the same time, it is clear that mutual threat perceptions between Washington and Pyongyang are a central factor in the current situation, especially on the nuclear issue, and that any solution will have to deal with the particular requirements of those two protagonists (including the North Korean requirement for security assurances *from the United States* and the U.S. requirement that commitments by the DPRK be verifiable).

In these circumstances, it is reasonable to begin the negotiating process on two separate tracks. The U.S. and North Korea would engage in direct, bilateral talks, primarily on the nuclear issue. In parallel, a multilateral group would convene that could include the P-5, Japan, the two Koreas, the E.U., and Australia. North Korea would have a place reserved for it in the group but would not be required to participate from the outset. Indeed, at the outset, the multilateral group would serve primarily as a mechanism in which the U.S. could consult the others on its approach for handling the nuclear issue in the bilateral talks. It might enable the U.S., in some sense, to represent the views of the others in its talks with North Korea and to discuss solutions with the North in which the others would play a significant role.

Eventually, perhaps after a general framework for resolving the nuclear issue had been developed bilaterally, the multilateral forum would become the umbrella, or steering group, under which various forms of engagement with North Korea would take place. Under that umbrella, some combination of participants (including the DPRK) might discuss North Korea's energy requirements; another combination might work on food aid and other humanitarian needs; another might address Northeast Asian transportation links; and so forth. Further bilateral engagement,

including DPRK-Japanese normalization talks and any other U.S.-DPRK talks, could take place within this multilateral framework, with the steering group meeting from time to time to take stock and coordinate efforts.

Explicit North Korean approval of this framework for engagement should not be a requirement for getting the U.S.-DPRK bilateral talks on the nuclear issue underway. What should be a requirement is support from the other participants. They should agree that, in exchange for the U.S. getting the talks started bilaterally, they would participate in the multilateral process, bear their fair share of the implementation burden, and press the DPRK to join the multilateral framework at the appropriate time if it wants to reap the benefits of engagement.

This suggested approach is one of any number of promising variants that might be devised. The U.S. Administration is reportedly exploring with interested parties a variety of formulas that may involve bilateral talks within a multilateral framework. The precise formula is less important than the need to get talks on the nuclear issue started right away and the need for North Korea's neighbors and the wider international community to recognize their responsibility for helping to meet the challenge North Korea has posed.

Avoiding negotiations under duress

Another stumbling block in the way of finding a solution is the preconditions that both Pyongyang and Washington seem to have established for negotiations on the nuclear issue. The North Koreans have suggested that, before their nuclear program can be addressed, the U.S. must first provide assurances about the DPRK's security. The U.S. has indicated that, before any such assurances can be discussed, the North must first convincingly dismantle its nuclear program and that, until then, the U.S. is willing to meet only for the purpose of discussing how Pyongyang is prepared to carry out such dismantlement.

Such preconditions are a recipe for paralysis. But there are steps the two sides can take in parallel, before the talks begin, to increase prospects for success—and to ensure that neither side will have to negotiate under duress. North Korea should undertake that, while the talks are underway, it will not reprocess its spent fuel and it will permit the International Atomic Energy Agency to return to Yongbyon for the purpose of re-applying monitoring seals to its reprocessing facility. For its part, the U.S. should pledge that, as long as those seals are intact, it will not engage in military action against Yongbyon and will not support United Nations sanctions against North Korea.

The U.S. pledge, which could be provided in writing at a senior level, would temporarily preclude two forms of pressure about which the North Koreans have expressed serious concern—namely, U.S. military strikes and Security Council sanctions. While the DPRK pledge would not restore the entire freeze at Yongbyon (e.g., would not halt the recently re-started operation of the 5 mw reactor), it would remove, also temporarily, the most urgent threat posed by North Korea—namely, its ability to reprocess enough plutonium to have an arsenal of six or more nuclear weapons within about a year.

Presenting a clear choice

Whether in an initial bilateral phase or a subsequent multilateral phase, negotiations with North Korea will only succeed if Pyongyang is given a clear choice between a much brighter future without nuclear weapons and a much bleaker one with them. That means the U.S. and others who will engage with the North must come prepared with both carrots and sticks.

The U.S. Administration is right that the North Koreans should not be rewarded for coming into compliance with existing obligations. What that means is that their illegal uranium enrichment program and their provocative lifting of the plutonium freeze should not entitle them to a better deal than they had under the 1994 Agreed Framework. Indeed, they should pay a penalty for those actions. For example, instead of expecting in any new negotiations to have the Agreed Framework restored intact (or even improved from their perspective), they should recognize that they may have to forfeit some of the features they favored (e.g., nuclear reactors) or be required to do more than under the 1994 deal (e.g., send spent fuel rods out of North Korea at an earlier date).

But the principle of not rewarding the DPRK for simply living up to previous commitments does not mean that it should not be offered additional incentives for accepting additional obligations—that is, *more for more*. In exchange for credible and verifiable DPRK commitments that alleviate U.S. concerns and those of other interested countries, we and those others should be prepared to address North Korea's needs in the energy, food, infrastructure, and other economic areas as well as its concerns about its security and sovereignty. Moreover, while it may be tempting,

given Pyongyang's checkered compliance record, to insist that the North Koreans first take steps to meet our concerns before we meet theirs, we will only succeed in inducing them to do what we want them to do if we adhere to the principle of *simultaneity*, with both sides moving ahead together in a carefully calibrated way.

The vision of a better future must be credible to the North Koreans if we want to influence their behavior. The incentives must be spelled out as specifically as possible and as early as possible. But if we want the North Koreans to reverse the reckless course on which they are now embarked, the high costs of continuing on that course must also be made clear to them.

That does not mean imposing penalties now, even though such penalties may already be justified on the basis of Pyongyang's behavior. At this stage, imposing penalties, especially U.N. Security Council-mandated sanctions, would likely result in the North Koreans digging in their heels or even stepping up their provocations. For the time being, sanctions should be held in reserve.

But the U.S., North Korea's neighbors, and the rest of the international community should be sending the message now that, if Pyongyang chooses the wrong path—the path of acquiring nuclear weapons—then it can expect to be the target of a concerted multilateral effort to ensure that it will pay a high price for its choice.

While it is premature at this stage to impose sanctions, it is not too early to start developing them in case they are needed. One approach—both as a punitive measure and as a means of impeding North Korea's nuclear and other weapons programs—would be for the Security Council to prohibit all U.N. members from exporting to or importing from North Korea all military and dual-use goods and technologies. Such an embargo could be accompanied by means of making it effective, such as authorization for U.N. members (or a multilateral interdiction force) to search suspect ships or aircraft and seize prohibited cargoes.

To send the message that choosing nuclear weapons will entail huge costs, the international community must speak with one voice. But clearly, the most important voices will be China and South Korea. Chinese leaders should use their private channels to tell their obstreperous old friends that a North Korean nuclear weapons capability is unacceptable to China and that China will not use its veto to block U.N. sanctions if North Korea does not heed its advice.

The message from Seoul is probably even more important. But so far, South Korea's new president, Roh Moo-hyun, has spoken as if a peaceful, diplomatic solution can be achieved with only carrots and no sticks. President Roh and his Administration must be frank with Pyongyang that North-South engagement cannot be insulated from the nuclear issue. They must convey clearly that, as much as the new government in Seoul wishes to move forward with North-South reconciliation, a DPRK decision to become a nuclear power would put a brake on inter-Korean engagement and make it impossible to go ahead with business as usual.

Pursuing a broad agenda with North Korea

Taken together, the issues that the U.S., ROK, the DPRK's other neighbors, and other members of the international community would wish to pursue in negotiations with North Korea are broad and diverse. Those various agendas overlap considerably, but they are not identical and there are differences of priority. Such diversity can be accommodated, however, by establishing a multilateral umbrella (as discussed above) under which a variety of bilateral and multi-party engagements can take place.

The nuclear issue deserves the highest priority. It should be addressed, at least initially, in U.S.-DPRK bilateral talks, although elements of a possible solution (e.g., IAEA verification, security assurances) might be worked out and implemented in a multilateral framework.

The Bush Administration has previously spoken of pursuing a "comprehensive" agenda with the DPRK that, in addition to the nuclear issue, would cover North Korea's missile exports and indigenous long-range missile programs, conventional military forces and military confidence-building measures, and humanitarian and human rights issues. A number of these items might lend themselves to multilateral attention, while a few others could be pursued bilaterally.

North Korea's neighbors each have similarly wide-ranging matters to take up with the DPRK. For Japan, the list includes the question of Japanese citizens previously abducted by North Korea, the threat from medium-range No Dong missiles, provocative DPRK actions such as sending spy ships into Japanese waters, and large-scale Japanese assistance as a form of compensation for Japan's colonization of Korea early last century. For China and Russia, the list includes a broad array of political and economic questions. The inter-Korean agenda between the DPRK and the ROK is, of course, the broadest agenda of all, dealing with every facet of the process of reconciliation between the two halves of the long-divided Peninsula.

The content of multilateral engagement with North Korea is too complicated and diverse to expect to resolve all the issues at once, as part of a large package. It would be essential to proceed incrementally.

When the U.S. Administration announced its comprehensive agenda with North Korea in the summer of 2001, it said that it recognized that progress on the various agenda items could not be made at the same speed. Nonetheless, it called for making headway on all the issues “across the board.” It was not prepared to conclude separate agreements on some issues if deliberations on other issues were not getting anywhere.

All of the items on the Administration’s comprehensive agenda are important and should be pursued with Pyongyang. But insisting on progress on all issues as a condition for reaching agreement on any of them could lead to a prolonged stalemate across the board, and could preclude near-term agreements on items of considerable urgency (e.g., stopping North Korean missile exports). Therefore, while progress should be sought on all items on the comprehensive agenda, they should not be tightly linked. If agreements can be reached on individual items that serve U.S. and allied interests, they should not be held hostage to further progress on other matters.

Coordinating with South Korea

To improve prospects for success in engaging with North Korea, the United States and North Korea’s neighbors must seek to coordinate their approaches to the negotiations. But by far and away, the most crucial coordination will be between Washington and Seoul.

In the coming weeks and months, the Bush Administration and the new administration of President Roh Moo-hyun should make every effort to forge a common approach for dealing with the North on the nuclear issue. In the absence of such a common approach, Pyongyang will have little incentive to come to agreement and every incentive to prolong the crisis in the hope of exacerbating differences between the U.S. and ROK and of stoking up anti-Americanism in South Korea.

But forging a common approach is not only essential for dealing effectively with the North on the nuclear issue. It is also crucial to the future of the U.S.-ROK bilateral relationship. That relationship has deteriorated significantly over the last few years, in part because of the widely-shared perception in the South that the Bush Administration’s tough policies and rhetoric toward Pyongyang have increased tensions on the Peninsula and become an obstacle to progress in inter-Korean relations. The failure to narrow the large gap that currently exists between Washington and Seoul on policy toward the North could put in jeopardy a bilateral relationship that is a key to stability in the Northeast Asia region and to America’s influence and military presence throughout East Asia.

Achieving a common approach will require intensive bilateral consultations between the two administrations in the period ahead. But it will require more than putting a good consultative process in place. It will require both sides to make real adjustments in the positions they have taken so far. At a minimum, it will require the U.S. Government to swallow hard and agree to begin bilateral talks with a North Korean regime it doesn’t trust and finds distasteful. It will require the ROK Government to swallow hard and make clear to the North that its becoming a nuclear power would inevitably place serious limitations on the assistance that Seoul can provide and on the progress that can be expected in inter-Korean relations.

Mr. Chairman, the news media have reported in recent days that the Bush Administration has come to the conclusion that North Korea is determined to reprocess its spent fuel and become a nuclear power. Instead of using military force or negotiations to try to prevent such a development, the Administration, according to these news reports, is inclined to accept it as inevitable, to begin preparing to deal with its consequences, and to fall back to a policy of trying to stop a nuclear-armed North Korea from selling fissile material or other sensitive technologies to hostile states or terrorists.

I hope these reports are inaccurate. The regime in Pyongyang may well have decided that its survival depends on having nuclear weapons and that it must therefore proceed as rapidly as possible to amass a small nuclear arsenal. But we certainly don’t know that at this stage. And given the huge stakes involved, it would be a monumental error if, out of a moral aversion to negotiating with regimes we don’t like, we failed to explore face-to-face whether North Korea was indeed irrevocably committed to nuclear weapons and whether a deal could be worked out that credibly ended the DPRK’s nuclear program and served the interests of the U.S. and its friends and allies.

Success in any negotiations with North Korea is far from assured. If North Korea has indeed decided that it must have nuclear weapons—or is unwilling to accept a

reasonable arrangement—then the talks will fail. In that event, the U.S. will have no choice but to resort to a policy of pressure, isolation, and containment. But before resigning ourselves to such a worrisome course, we should first find out, at the negotiating table, whether a much better outcome is possible.

The CHAIRMAN. I am advised that the vote is going to occur in 5 to 10 minutes. There are additional speeches being made at the moment. So, if we can have a 7-minute limit, I will commence questioning, and if the vote comes in the middle of my questions, members should feel free to leave and head to vote. Or we will recess when the vote comes, and come back so we can all hear each other.

Let me just ask as a starter: It is ideal that each of the parties, China, Russia, Japan, South Korea, have objectives. We understand that they might be very diverse and that these be incorporated, as you have suggested, whether we are talking bilaterally or multilaterally in one or more rooms. But what if the situation exists here in which the interest of these countries are so diverse and really so different from our own that, in fact, this kind of coalition becomes impossible?

For example, what if the other countries are not as concerned as we are about nuclear proliferation? We just assume that they all would be, and that they would see security risks. But what if the South Koreans come to the conclusion that really the North Koreans would not use those weapons on other Koreans? And, as a matter of fact, some South Koreans have professed that the United States is the provocative instrument in this situation. It is very, very difficult to think of a multilateral approach, and yet the necessity of working with our South Korean friends is obviously of the essence.

In other words, without drawing the Iraq problem into this one, because this one is big enough, what if a situation exists in which our national interests appear to be diverse from other major countries to such a point that they are prepared, physically, to say, "We are not a part of those objectives?"

So then, at that point, what do we do? In other words, we all would agree, at least, I think, today, that the building of more nuclear weapons, the genie out of the bottle, the dispersal of uranium in ways it can never be found again, the sale of all of this to al-Qaeda or whomever else might pick it up, and an overt attempt by the North Koreans to sell it because they need the money without being covert about it at all—there is testimony that in small amounts, as you have said, Dr. Carter, it could be beyond any surveillance, even our very best ability to interdict this becomes impossible, so that the proliferation situation is immediate and intense.

Now, under those situations we have, as you have suggested, the talks, but we may find out that they want to have the bomb anyway, as well as the ability to sell.

We could take the containment situation which you have described as the worst of all alternatives, namely, just acknowledge they are going to have weapons, and you sort of hope that the regime will go away in due course of old age, that missile defense will work, or for some reason it will all work out. Or we take military action and maybe a surgical strike with the thought that there

could be retaliation; just the fear the South Koreans have, or maybe the Japanese.

Now, you know, in these stark terms, what do we do? Is this something that is serious enough that the United States ought to contemplate the fact that it might be alone again because it is not in the interest right now of any of the other countries to enter physically and dangerously in this way to the point of drawing the red line? As I hear about a red line, that means if you cross it, something happens. And something happening is likely to lead to a military conflict. Do we do that? Will you start, Dr. Carter?

Dr. CARTER. Absolutely. It is an excellent question, and it is important for us all to go in with our eyes open. Our interests are not identical to those of South Korea, Japan, China, Russia. There is no question about that. But you use the word "divergent." I think they are far from divergent. They are not identical, but they overlap very strongly.

Let us take South Korea and the United States. The South Koreans have never been as exercised about a nuclear North Korea as we have been. They reckon they are in trouble anyway, if a war starts on the Korean Peninsula. The intensity of violence is so great that adding nuclear weapons to that does not materially change the calculus for them, and they do not have the same global perspective that we do on proliferation. So, yes, there is a little bit of difference there.

At the same time, we do have two very deep common interests. The first is that deterrence not be upset on the Korean Peninsula, and nuclear weapons could do that. That could make a war that would destroy much of South Korea more likely, and the South Koreans need to understand that they do have something at stake here in a nuclear North Korea.

And second, they have a stake in North Korea not collapsing precipitously and on some progressive process of warming of relations between North and South. And that is not going to be possible if North Korea goes nuclear and then forces the rest of the world to isolate it. So their interests do, actually, overlap with ours, simultaneously.

I do not know whether the new President has entirely thought this through. Sometimes we speak as though we don't understand that our interests, while not identical, do overlap. But the reality is they overlap strongly. That is the basis for the common interest, and that is why I do not think divergence is in the cards.

You could say similar things about China. I do not want to take any more time. But you do have to walk around the table, at this hypothetical table where others sit as well, and say: What does the situation look like from their point of view? But, I believe, that from the point of view of everybody sitting at that table, a nuclear North Korea is bad medicine, and that is a common interest, but it is not the only common interest we have, and we cannot just pursue what we want. If you are in a common diplomatic strategy, you have to want a little bit what everybody else wants; if you want them to want a little bit of what you want.

The CHAIRMAN. Dr. Kanter, do you have a thought?

Dr. KANTER. Yes. This may sound excessively pedantic, but I think there is a useful distinction to be made between interests and

priorities among interests. That is, I think we have interests that are substantially in common with those of the other regional actors. The problem arises because our priorities among interests, where you always have to make tradeoffs, may be different, and that is important because it means that the risks you are prepared to run may be different.

At the end of the day, if it turns out that we cannot find common cause, then we and our allies will confront the consequences of the United States having to do things alone and that, in turn, directly impinges on their interests. They are not going to like that. That will help forge a common approach.

The CHAIRMAN. Well, we have come to the end of my time, and we also are having a vote.

Do you have a thought, Mr. Einhorn?

Mr. EINHORN. I would just comment on the other part about the red line.

The CHAIRMAN. Yes.

Mr. EINHORN. Clearly, the step of reprocessing the spent fuel is the most worrisome, dangerous, near-term step. But I am not sure it is a good idea at this stage to say, "If you do that, there will be inevitable consequences." You have to be prepared to followup on that threat.

I think a better approach would be to make a proposal along the lines that all three of us have made. Be prepared to sit face-to-face with the North Koreans, but say, "Before we sit down, we have to create the right environment. So you need to pledge that you are not going to reprocess, and you are going to invite the IAEA back in to seal that reprocessing facility. And then we will make a corresponding pledge about not attacking Yongbyon, a nuclear facility."

It seems to me that may be a better way of dealing with that red line. If we do what most of North Korea's neighbors want us to do, which is sit down bilaterally at the negotiating table, then, I think, they would give strong support to that proposal for a freeze on reprocessing.

The CHAIRMAN. Very well. We will recess and come back as soon as members can vote. Thank you.

[Recess.]

The CHAIRMAN. The hearing is reconvened. The Chair will take advantage of the fact that no one else has reappeared to ask another question.

Secretary Carter, you mentioned the military option is not your preference or anyone's, but if there was to be a military option involved here, obviously the fear on the part of most people that this might lead to a retaliation of guns that are above Seoul or other means that North Korea might employ. Certainly this has been a fearsome prospect for our South Korean friends and for others.

What are the reasons to believe that a strike upon the plutonium facility would lead to these consequences? Or is it a problem that we know so little about the South Korean mind-set, and the talks or the communication has been so sparse in the past that it is almost random as to what might occur at that point? From your own experience analyzing this through the last administration which you were involved, what views do you have?

Dr. CARTER. The North Korean military is told all the time that we are going to attack them. North Korea is in the third generation of Stalinist political indoctrination, and so you cannot rule out the thought that even though it would be clearly self-destructive that if the order were given for North Korean forces to pour over the DMZ, they would do so. It is also possible that any military action by us would lead, through the unraveling of move/countermove and miscalculation/counter-miscalculation, to a conflict which North Korea did not initially intend to be a full-scale war, but could end up as full-scale war. So there is no question that if one contemplates a strike of the kind that we described that that could be the consequence.

At the same time, I think the North Koreans also have to look at this situation and ask themselves whether at that point they would have the choice whether to lash out to the South, at their South Korean brethren, and to initiate a war which we are absolutely confident would be over within a few weeks and would lead to the destruction of the North Korean regime. It would be helpful also if at that time China indicated to North Korea that it was not prepared to come to its assistance, if through its nuclear ambitions, North Korea had precipitated such a strike.

So we should try to contrive a situation that leads to the result we want, namely setting back the nuclear program without leading to that larger war. But I think we would be foolish not to think that there was a reasonable possibility that that larger war would eventuate, and that is what makes it so risky.

The CHAIRMAN. Thank you.

I call upon the distinguished ranking member for his questions.

Senator BIDEN. Thank you very much, Mr. Chairman.

I truly appreciate the three of you and your testimony. And there may be slightly different emphasis in priorities, but all of you end up at the same place basically, and coming from three such distinguished people, I hope people are listening beyond this room.

And I want to make it clear in case my mother is watching: Mom, if you get up to walk away from the television, I was not one of the guys who said, "My mother wants it both ways." It was not me.

So I want the record to show that in case she was walking away and heard that phrase and thought maybe I used it—

The CHAIRMAN. Right.

Senator BIDEN. I am not going to identify the gentleman, Mom, who said it, but it wasn't me. I know you never want it both ways.

There is an irony here, it seems to me, and I think maybe there is an opportunity as well. The irony to me is that—and I am not connecting the two in Iraq and North Korea in terms of what the solutions to each are, but the irony is here: The administration has made a very compelling case, at least home, that containment is not an option with regard to the much less or least dangerous foe, Saddam Hussein, but containment—at least the signal being sent is containment may be an option with regard to the foe that is capable of doing much more severe damage to us short-term, long-term, and interim-term in my view.

And it seems to me ironically, if we were to move in the direction the three of you suggest with regard to North Korea, it may have

some ancillary benefits beyond what we may find out and what our options may be in clarifying our situation with regard to North Korea. And that is that I think part of the problem is we tend to—and those of you who are genuine regional experts, as well as strategists, we tend sometimes—I am not suggesting that you do this, but we up here tend not to connect the dots. We tend to think that we can have clearly enunciated positions on one set of policies and even if they are at odds with a set of principles stated or enunciated in a second set of concerns we have, and they do not necessarily—as if people only read in time zones.

And so my problem is with the failure to understand that a precondition to enhancing our prospects of success in whatever action we take, diplomatically, militarily, economically, in any way, is that we have to demonstrate we are willing to talk. It is a precondition. I do not know what we lose; I do not know what we lose by talking, even though I do not think any of the five of us or the six of us here are particularly optimistic that we would get a result as a consequence of those talks that would lead to a complete cessation of concern here.

So what I would like you to expand on a little bit for me if you are willing to, is: What do you think is the root of this? What is the root of the present position adopted by the administration, a refusal to talk other than in a forum that the rest of the participants indicate they will not participate in, so it is not the table?

What is at the root of that? I mean, what could be—not that you know specifically, but I mean go through it, analyze for me: What are the possible lines of reasoning that would lead one to conclude that we do not talk at all? Is it because they truly believe we can contain? I mean, do you think that is it? Or do you think it is because they think if we do not talk, North Korea will blink and accommodate what we want done anyway? Or is it because they think there is going to be a breakthrough diplomatically, not with North Korea, but with South Korea and China and Japan?

I mean, what are the—give me the positions. If you were making the case not to talk, what are the arguments you make that have any credibility?

Dr. KANTER. Let me try my hand in here. I am responding in the spirit of “let me try and make the case” rather than convey the Bush administration’s foreign policy.

Senator BIDEN. I realize that it is not your position. I just wanted—I am trying to figure this out.

Dr. KANTER. First, as I understand the administration’s position, the United States is willing to talk to North Korea. It has said it is willing to talk. The question is: Under what circumstances? With what pre-conditions? And in what forum?

Senator BIDEN. Bilateral discussions, let me be precise. We are all—you all are saying there is no option at this moment but bilateral discussions. You may have an ancillary discussion going on, you may have a large room, we may be in a—everybody may be in a big hotel and we are in a small room with a—you know, that is all—but there is a flat, so far, refusal by the President of the United States to say he is prepared to talk one on—not necessarily “he,” but his negotiators, one on one with the North Koreans, not-

withstanding with what Mr. Armitage said, who was severely rebuked for having said what he said before our committee.

Dr. KANTER. He is tough.

Senator BIDEN. Well, he can handle it—

Dr. KANTER. He can take it.

Senator BIDEN [continuing]. But I am just saying he was severely rebuked.

Dr. KANTER. As I have stated, North Korea is a multilateral problem that requires a multilateral approach. But if the United States just says, "Well, look—you know, we will do this all bilaterally. Thank you very much," I think the other countries with important stakes in this issue will be all too happy to hold our coats and let us go off and do it and, frankly, not be willing to bear some of the burden, bear some of the risk that is entailed in dealing with the North Korea issue.

So I think that there is a good reason to try and make sure that whatever the modalities that everyone is pretty much on the same wave length before you engage with North Korea, or we are going to be there alone.

Senator BIDEN. So we all agree on that. I assume that that has to be done. I mean, I assume that or at least I know from the South Korean position, because I have spoken to them, and I assume from the Japanese and Chinese position that they are prepared to work out with us as we seek a common approach, but that they are not prepared to set the modality as you guys use the—you know, it is kind of a foreign policy phrase; the American people wonder why we make everything sound so complicated—you know, the shape of the table, they do not want to sit down at the table initially, with us at the table and the North Koreans.

They want to sit down with us at the table; they are prepared to sit down with us now and talk about what they think about whatever our enunciated policy is and try to work out something, but they are not prepared to go to Pyongyang or some hotel in Hawaii or in Tokyo, whatever, to sit down with us in the same room. They are saying, "Go talk first." Is that not what they are saying?

Dr. KANTER. Again, trying to make the case, if you want to have confidence that the folks who say they are with you really are with you, they ought to be there with you. If there are other ways to achieve that confidence, then it gives you some more flexibility to engage in direct talks knowing that they are with you and they are doing their thing in their way.

Senator BIDEN. At what point do you say, knowing the clock is ticking, going to the reprocessing, "They are not with me. They are not going to do it"? Now, we are into the situation that the Senator, that the chairman talked about where our interests are different; or our judgments are different, if not interest.

Do we say, "OK. They are not with us. They are not going to sit down with us. They are not willing to come up with a common strategy," whatever—however you want to characterize it? At what point do we say—with the clock ticking toward reprocessing, the possibility of reprocessing, at what point do we say, "Well, we are going to do it alone"?

I mean I thought you guys, all three, are saying, "It is time to talk."

So I am trying to figure it out. I mean, is the decision you think that they think they can contain, that this administration thinks they can contain North Korea? Have some adopted the position that the South Koreans have, that this is not that fundamentally different if they have six more nuclear weapons? I mean, what—yes, please.

Mr. EINHORN. Senator Biden—

Senator BIDEN. Oh, my time is up.

Mr. EINHORN [continuing]. My guess is that a number of those neighbors of North Korea would be happy to sit down in multilateral talks. Their concern is that the North Koreans would not do it. And because the North Koreans have been so obstinate on the point, they are saying to the United States: Look, why do you not sit down with them bilaterally? Maybe later we can join. We are not opposed to multilateral. It is just that it would not work multilaterally from the beginning.

And as to your question on when is the time, I think the time is now for the administration to say, yes, we are prepared to sit down bilaterally. I think perhaps they could put in place a parallel, multilateral structure that eventually could become the umbrella, the multilateral umbrella we are looking for, but I think the time is now.

Senator BIDEN. What is their reasoning?

Dr. CARTER. I do not have any particular insight or visibility into the administration. My impression is that they are—that our administration is wrestling with the problem and trying to put together a strategy that answers all these questions: Why talk to North Korea in the first place? What kind of agreement are we after? What is the modality for talks?

It is unfortunate that we are short of time to come up with a strategy of that kind. That is because the North Koreans are trying to drive the train as rapidly as they can, but this is a hard problem. It is a multi-body problem, as we say in physics. It is not just us. It is not even just us and the North Koreans. There are others involved.

And one thing that I think both of these negotiators have emphasized is the effect that getting talks started would have of slowing the pace of events down. That is very important. And if we can arrive at some modality for beginning talks, and the condition on both sides for the talks is that we slow the ball down and in particular that they slow the ball down at Yongbyon, then we have a little bit more time to figure all of this out. So we do not have to have figured everything out before we embark. And I think that is important. The pace of events, the momentum as Arnie called it, is pretty fearsome here.

Senator BIDEN. Thank you.

The CHAIRMAN. Thank you very much, Senator Biden.

Senator Brownback.

Senator BROWNBACK. Thank you, Mr. Chairman. And thank you for holding this hearing. I missed the previous hearing on North Korea. I was attending the *Columbia* funeral, and I apologize for my absence. Hopefully, we can hold some subcommittee hearings on North Korea as well because there are a number of facets to the

problem that I think bear looking at in totality. Time is short, and I think we need to have some intense focus.

First, let me say clearly that from my perspective, the United States must not allow North Korea to develop nuclear weapons, period. And I have also contacted the NSC of the administration, and they do not support nuclear weapons being developed in North Korea as I think Mr. Einhorn had said in his testimony.

They are not saying, OK, you can go ahead and develop them. We are going to try to contain them once you develop them, North Korea. They do not support that position either of North Korea developing nuclear weapons. It should not even be a question.

Kim Jong-il is one of the largest proliferators of missiles now, selling them to the very worst parts of the world where the intent to destroy America is clear. He has nuclear weapons. The selling of these weapons would surely follow. He would have a nuclear storehouse open for business.

In retrospect, it is clear to me that the Agreed Framework did not work. It was nothing more than a tactic of deceit used by the North Koreans to lull the United States into thinking that postponing a problem is as good as dealing with it. We now have evidence that the North Koreans began pursuing nuclear weapons almost before the ink was dry on the agreement that they made with the United States to abandon this destructive path.

This week's events, where North Korean MiGs shadowed an American observation plane in international airspace make it clear upon playing the one and only card they have: Escalating tensions to the point of forcing America to pay up once again.

These are dangerous tactics by Kim Jong-il and his Stalinist regime. We cannot afford to give the North Koreans the impression that their tactics are working, that they will pressure the President—pressure this administration into caving and negotiating with the blackmail artist. And that is exactly what Kim Jong-il wants to do and is doing.

He has launched a surface-to-ship missile as a test. He has sent MiGs into South Korean airspace. He sent even people, gardeners I guess, across the DMZ line, all as a way of trying to rattle the international cage and to do two things: Have us leave him alone, the international community to leave him alone; and send money.

Engaging in a sequel of the failed Agreed Framework, not only risks our immediate security in the region, but it allows Kim Jong-il to proliferate any and all missile and nuclear technology he can develop. Now, perhaps if we had started off with the Agreed Framework being a multilateral approach, they would have had more leverage to get the necessary concessions from the North that could have prevented this current mess. Specifically, it should have been an absolute requirement that the nuclear fuel rods and other materials in the Yongbyon facility be removed.

As we have seen, the agreement cannot guarantee a freeze in the North's nuclear pursuit. It did not freeze it, but the agreement could have at least removed the material we knew they had.

Now, I have been following this issue for some time from another perspective and here I want to speak for myself and a partner of mine that is no longer here, Paul Wellstone, and that is on the

human rights issue. And I am—frankly, I am very disappointed that you just waved past that one.

We have held hearings in the Judiciary Committee on the atrocities. And let me just give you a few eyewitness testimonies that we have had of people testifying, of watching North Korean guards suffocate newborn babies, of people that have had to live on tree bark as they escaped from the regime, of mothers who have given their children rat poison rather than watching them die slowly from starvation. These are people who have been tortured, starved and executed for no reason other than the bad fortune of being born in North Korea under the Kim Jong-il regime.

And we do not know exactly how many it is. Some people think it is one to two million who have died of starvation over the last 5 years. There are somewhere between 30,000 and 300,000 now living off the land in China fleeing this regime. They operate a Gulag. The North Koreans operate a Gulag system of a large, fenced-in area that is a mining camp, and you go in as a political prisoner and the likelihood of you coming out is small.

I am presently reading, "The Aquariums of Pyongyang," it is about a young boy that went in and made it out some way; ten years in one of these Gulags. Or the book, "Eyes of the Tailless Animals," about serving in one of these Gulags.

These are horrific conditions. This is probably the worst systematic human rights' abuses by a government on its people anywhere in the world today. Maybe you argue that Sudan is there with it, but it is in the top two or three. This is horrific. And we are going to just walk past that one and say, "We cannot deal with it in this setting"?

China is the country most directly able to put pressure on this regime by letting the people of North Korea simply stay in China instead of sending them back in a procedure called refolement. I mean they could at least be forced to live up to their own international obligations to allow these people to stay in China. The people will vote with their feet, and many already have. They will leave North Korea if given the chance. And then this failed State of North Korea will have that pressure put on them.

To merely make another deal that will not be abided by is not in the security interests of the United States, and it is a malicious neglect of the horrific behavior of this regime.

Now, we should not cower to the demands of this dictator who is starving and torturing millions of his own people, as well as kidnaping citizens from Japan. I met this week with three family members from Japan and four members of the Japanese Diet. These three people had family members who had been abducted, kidnaped by the North Koreans 20 years ago. And last year the North Koreans admitted, "Yes, we did it. We are not going to send them back or let the family members come back. Or if we do, we are going to keep their children in North Korea."

It is a multilateral issue. We need to work with the Japanese, the South Koreans, the Chinese, the Russians at least, and probably in the future, we are going to have to work with the Taiwanese as well, if North Korea continues operating in such a threatening manner.

The world has urged the United States to take a multilateral approach on Iraq and we have, and I do not see why we should be doing any less with North Korea. This is a very troubling issue with all these prongs within it, and I think that we have got to deal with the various facets of the prongs.

And one of the key routes that we have not even been addressing, that none of you have addressed here, is the real key of what these refugees do represent, of people willing to walk. And the Chinese Government that has signed agreements with the UNHCR, High Commission on Refugees, that they will treat refugees without sending them back into harm's way, and now the Chinese are saying they are economic migrants, but in the very agreements that they signed, if there is a dispute between the two bodies, this is to be submitted to arbitration. The Chinese say they are economic migrants; the world says they are refugees. This is to be submitted to binding arbitration, and the Chinese should be forced to live up to their own obligations to these refugees.

And if you allow these refugees out, they will come and the international community and the United States can work with them. And this is a key area that we should be working on and pressure that we should apply.

Mr. Chairman, I have taken past my time.

If one of you would like to respond, I would particularly appreciate a response on the refugee issue, why that has just been so much put aside and not even spoken hardly about.

The CHAIRMAN. Please proceed.

Dr. CARTER. I was not actually going to address the refugees issue. Maybe someone who knows more about that can.

I would like to address or just second what you said about the nature of the North Korean regime. The last time I appeared before this committee, we were not just talking about the nuclear issue, but the larger question of North Korea's destiny and future.

I was explaining that in 1998 when I was first given the task of looking at North Korea in the large, the so-called Perry process, run by former Secretary of Defense Bill Perry, we came to basically the same assessment you did of the North Korean regime. The evidence, the kind you have adduced, is abundant. It is a remarkable situation. This is a third generation of Stalinism which we have not seen anywhere else in the world.

We looked at a couple of possibilities that are still possibilities to the United States. One is to try to undermine the North Korean regime, and we looked quite hard at that. And in the end, we set that aside for two reasons. The first was that we could not come up with any realistic plan or prospect for accomplishing that. It is not like Afghanistan where you sort of throw in an ingredient of disorder and you can expect an uprising. We could not produce Presidential quality information that a strategy of undermining was likely to succeed any time soon.

Senator BROWNBACK. But you know these refugees have walked already. A number of them have walked—

Dr. CARTER. You are talking about as a whole—

Senator BROWNBACK [continuing]. Into China already.

Dr. CARTER. I understand the refugee situation. I am talking about—

Senator BROWNBACk. I am not talking about undermining here, but talking about even the Indochina situation in the 1970s that did not undermine the regimes, but it put pressure on them, but at least the people got out.

Dr. CARTER. No, I was not suggesting that you were suggesting the strategy of undermining. I am trying to respond to the general question about the North Korean regime, how long can it last.

And one possibility is to try to hasten what human nature and history suggests will happen eventually in North Korea. And we looked at that and I would be happy to talk to you further about our analysis of that, but in the end, we could not figure out any way to do that quickly and the nuclear issue was pressing. The nuclear issue was on a time scale of months, where the larger question of North Korea's destiny was on a time scale of years, maybe even decades.

The same thing can be said of reform. Many people have suggested that North Korea follow the path of reform, Deng Xiaoping-style reform. One would like to see it do that also. North Korea certainly does not show any inclination to do that. But in any event, that is a long-term project and we have a short-term emergency with the nuclear problem, and that is the one that we have been addressing here.

But what you say about the nature of the North Korean regime and the question of its long-term future, I could not agree with more.

Senator BROWNBACk. Well, I want to dispute the answer, but my point being that the refugees can be a clear key to a near-term pressure on the North Korean regime. And the key, or the door there is China. It is an unguarded border. I have been there. I have met with many of the North Korean refugees, and they will walk if China will simply live up to its international obligations against refulment. That is the simple direct point, and it is a near-term answer.

Thank you, Mr. Chairman.

[The prepared statement of Senator Brownback follows:]

PREPARED STATEMENT OF SENATOR SAM BROWNBACk

In retrospect, it is clear that the Agreed Framework was nothing more than a tactic of deceit used by the North Koreans to lull the U.S. into thinking that postponing a problem is as good as dealing with it. We now have evidence that the North Koreans began pursuing nuclear weapons almost before the ink was dry on the agreement they made with the U.S. to abandon this destructive path.

This week's events, where North Korean MiGs shadowed an American observance plane in international airspace make it clear that the North Korean regime is intent upon playing the one and only card they have: escalating tensions to the point of forcing America to pay up once again.

Some of my colleagues have chided the administration for not calling the tensions in the Korean Peninsula a "crisis." These colleagues have also criticized the administration for refusing to cave into the North's demand for bilateral negotiations on the nuclear issue. Unfortunately, while these criticisms are, I'm sure, well intentioned, they miss the major point—which is that engaging in the sequel to the Agreed Framework not only risks our immediate security in the region, but it prolongs the efforts of a dictator intent upon proliferating any and all missile and nuclear technology he can develop.

Perhaps if the Agreed Framework had insisted upon a multi-lateral approach, there would have been more leverage to get the necessary concessions from the North that could have prevented this current mess. Specifically, it should have been an absolute requirement that the nuclear rods and other materials in the Yanbian

facility be removed. As we have seen, the agreement could not guarantee a freeze in the North's nuclear pursuit—but the agreement could have at least removed the material we knew they had.

Now is the time to remain calm, steady, and strong. We cannot cower to the demands of a deranged dictator who is starving and torturing his own people—as well as kidnapping citizens of surrounding countries. The world has urged the U.S. to take a multi-lateral approach on Iraq. We have. Why should we do any less with North Korea?

The CHAIRMAN. Thank you very much, Senator Brownback.
Senator Dodd.

Senator DODD. Thank you very much, Mr. Chairman.

Let me commend you once again. This has been a wonderful testimony this morning and very, very helpful. Dr. Kanter, yours is not prepared testimony I gather, or at least we did not get copies of your testimony.

Dr. KANTER. No, I am sorry, Senator. I just got back in the country and had to speak from notes.

Senator DODD. Well, we will get it from the transcript here. It was very, very worthwhile. And I thank all three of you.

And I thank you, Mr. Chairman, for this. It was most timely and appropriate.

Mr. Chairman, I want to ask unanimous consent—there is a yet unpublished article that is going to appear shortly by Kevin Kim. He was a Fulbright scholar in South Korea between 2001 and 2002 and has written a very, very good article which is going to appear shortly—I am trying to—where is that going to appear?

STAFF MEMBER. The Institute of Public Affairs.

Senator DODD. The Institute of Public Affairs is about to publish this. It is not published yet, but, Mr. Chairman, I think you might find it worthwhile, to sort of complement, in a little more blunt terms in some ways, but complement what has been said here this morning.

And I have, as much as I am obviously—trying to figure out what motivates the North Koreans is something we could spend days trying to sort out here. But let me ask you to focus your attention, because I am trying to sort out what the motivations are here in terms of our own administration's view of this. And obviously there have been varying reports.

But let me ask you to comment on something, and I am a bit concerned that there seems to be almost, by some anyway, a desire to delay taking any action on the North Korean issue until there is some “resolution of the Iraqi issue.” And the argument being and I will make the argument—I am not suggesting that anyone has made this argument—that in a sense, if Iraq turns out well as a result of the use of military force, and I am not being terribly articulate in describing this, but if that turns out well, then that may be the model of how we would then deal with North Korea.

Without suggesting that that is the motivation, I am curious as to whether or not any of you believe that waiting for the resolution of Iraq is part of the motivations of why we are not seeing more clarity out of the administration in terms of how they want to proceed with North Korea.

And second, where is this heading right now in the absence of doing anything else? I gather we are now going to fly F-15s along with these reconnaissance missions and the like. There have been

examples, at least people who have followed the events in the Korean Peninsula more closely than I have, who indicate that in the past when these events have occurred in the late '70s, they were not just single events; there were usually a series of them that happened. And I am wondering whether or not you believe that we may be seeing that here.

And if our only response seems to be providing additional protection, military protection, reconnaissance flights and sort of appearing to have sort of a quasi-military answer to these events as they are occurring, to what extent would you want to calibrate the risks of seeing this series of events explode into something far more serious than what we presently have seen?

But I would be interested in having you try and give me some sense of what is the thinking going on by those who are advising the administration inside about how to proceed here? What is the rationale behind this, other than just—there is more than just an internal debate that seems to be going on. There seems to be a rationale for proceeding this way without having some clarity to it, and I am curious if any of you would be willing to take that one.

Dr. KANTER. Senator, I do not have any great insight into what rationale the administration is pursuing here.

I would say, however, that I see no evidence that the administration is, as I think you put it, is waiting for a successful outcome for Iraq and that will become the model for dealing with North Korea. I see no indication of that whatsoever, and I think President Bush has said repeatedly that North Korea is a different kind of problem than Iraq.

I think it is fair to ask whether North Korea is concerned about whether it might be the next Iraq. So I acknowledge that there may be that North Korean concern or worry, but I do not believe that kind of rationale is in any way a relevant factor in U.S. policy.

With respect to where is the situation headed, as I tried to indicate in my remarks, I think it is headed toward an increasingly dangerous situation, which is why I think it is essential that steps be taken urgently to arrest this momentum. And I tried to indicate some steps that I thought would help accomplish that outcome. That is the first step, arresting the momentum, freezing the situation in place, but it is only the first step.

Senator DODD. Let me throw in one additional question to you here. If you go back and look at the events since the Framework Agreement, there were obviously events that were—decisions were delayed, between the time we promise things and things happen. Obviously, North Korea made a number of bad decisions as well here.

To what extent, I will ask—I should add this on here: To what extent would it help move this along—and I know administrations are loathe to do this, to admit that we might have done things a bit differently here. But to some extent the admission that maybe we missed some opportunities here, would that help at all in trying to move this process along here?

And I again, understanding the unwillingness of people to want to do this, but would that help, in your mind, if there was some message here that maybe some missed opportunities occurred on the light water reactor issue, on the economic assistance issues?

There were periods in which those events were to occur and obviously some months or, in some cases, years transpired between the promise and the actual delivery.

Dr. KANTER. There were obviously missed opportunities in the implementation of the Agreed Framework on everybody's side.

Senator DODD. I agree.

Dr. KANTER. Everybody agrees with that. If you remember, the Agreed Framework was a phased agreement.

Senator DODD. Right.

Dr. KANTER. We agreed to do certain things in phase one, and then additional steps in phase two. The two sides never got beyond phase one.

Senator DODD. Yes.

Dr. KANTER. And certainly we are disappointed in that because we are facing one of the consequences of that which is we did not get the fuel rods out, which came in a later phase, and now the fuel rods are still there.

I presume the North Koreans are disappointed that we did not get into further phases with them either, other things that were promised in that agreement. So from that point of view, there are plenty of regrets all the way around. The larger picture that was painted by the Agreed Framework of something that was a step-by-step, reciprocal, as Bob Einhorn said, and gradually grew into something larger is a perfectly reasonable model for an agreement now if one is in the cards, phased, reciprocal, step-by-step, getting wider and wider.

As far as your question on timing is concerned, the only timing situation that disturbs me right now besides the plutonium are the provocations by North Korea. Those provocations are clearly going to make it harder for us to enter into talks with the North Koreans and they are creating a pace of events. I think it is clear why they are doing it. I do not think our timing has anything to do with Iraq, but I suspect that North Korea's timing has everything to do with Iraq.

And so this is a situation that is going to get worse before it gets better. It has been doing that for several months, and that by itself is a reason to try to pull our strategy together as soon as we can and get started.

Senator DODD. And how about motivations? What is—why, beyond some of the—you know, the argument of the public statements being made. What is going on here, in your view?

And I realize none of you are part of the administration. You are not privy necessarily to that, but I want your speculation as to why there seems to be such a delay and with some clarity on a strategy here dealing with North Korea? What is going on here? Bob.

Mr. EINHORN. I think one of the reasons for it is that there is a split within the administration. That is not a deep secret. And I think some in the administration simply would not like to engage for a number of reasons. They believe it would reward bad behavior. They believe it would confer a legitimacy on this regime in Pyongyang that it does not deserve. They believe that any new deal would not be complied with by North Korea, so it would not solve the problem in the first place. So I think there is an element that is simply opposed to engagement.

There is another element I believe that would welcome the opportunity to engage, maybe in a tough-minded way, but it would like to engage and find out whether an effective deal can be made. But I think that is the principal reason why there is uncertainty about where the administration stands.

Senator DODD. Ash, did you want to comment on that at all?

Dr. CARTER. Only to say that I think there is plenty of room for doubt about what North Korea is up to. It is a mysterious place. The spirit in which I would enter into talks with them is the spirit in which I think we all use the word "experiment."

Senator DODD. Yes.

Dr. CARTER. This is worth a try. You cannot be sure where it will lead. I do not know how the North Koreans will respond. I do not know whether they are prepared to agree with us or they can make an agreement with us of the kind we require; for example, verification.

Senator DODD. Right.

Dr. CARTER. They do not know what they are in for in the way of verification in a certain sense. Having the record they do, we are not going to settle for anything less than a very rigorous verification scheme. And that will be something very difficult for an insular, paranoid kind of political system to deal with.

So I think we have to look at this as an experiment. And from that point of view, I think everybody who has different views and different takes on North Korea is entitled to their different views and different takes. Right now, let us go forward and learn by doing. I do not know what factions there are or what different points of view there are. I just know that this is a hard enough question that there is plenty of room for different points—

Senator DODD. Right.

Dr. CARTER [continuing]. Of view, and I think we ought to get together in the spirit of learning by doing and conducting this experiment.

Senator DODD. Last—and I do not want to put words in all your mouths—but I heard all three of you and you said this different ways. It seemed to me your unanimous conclusion that every day delayed on engaging in this conversation, call it whatever words you want to, is extremely dangerous.

Dr. CARTER. The North Koreans are trying to use time to narrow our options and they are succeeding at that at the moment, and we need to reverse that narrowing of options.

Senator DODD. But the conclusion that every day delayed heightens the degree of dangerousness with regard to North Korea and that is—all three of you have drawn that conclusion; is that true?

Dr. CARTER. I would certainly subscribe to that.

Senator DODD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Dodd.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

A Washington Post article, March 5, says, "The United States has begun to accept the idea of a nuclear-armed North Korea. Increasingly, the Bush Administration is turning its attention to preventing the communist government in Pyongyang from selling nuclear material to the highest bidder." The article implies that the

United States is acquiescing that North Korea would remain a nuclear power and, therefore, is trying to contain its proliferation. Is that acceptable, in your opinion?

Dr. CARTER. It is not acceptable in my opinion. I tried to explain in my statement why a nuclear North Korea is a disaster for our security in a number of ways.

Senator NELSON. And you did it very well, by the way.

Dr. CARTER. So I do not think that is something that we ought to be prepared to acquiesce in or that we need to acquiesce in.

Dr. KANTER. Excuse me, Senator. I agree that that is not an outcome that we should tolerate. I have just mentioned that, I think while you were out of the room, Senator Brownback said he had checked with the NSC and they had rather firmly denied that story.

Senator NELSON. Well, that is good to hear. I increasingly find myself frustrated with the style and the tone of the administration as we confront this problem, as we confront other problems, Iraq, the way diplomatically we have handled Turkey, where increasingly we appear to be the big bad boy bully on the schoolyard and people are or other countries are reacting to that.

Do you have any idea what went on in the President's mind as to why a year ago in that State of the Union Speech he would lump North Korea in, calling them part of the "axis of evil?"

Dr. KANTER. No more than has been reported in the press, Senator.

Senator NELSON. And would you care to characterize the aftermath of that, how North Korea has responded to being so called?

Dr. KANTER. They did not like it.

But that is not the test of whether it was a correct or appropriate thing to do. I would also notice that in this year's State of the Union President Bush addressed Iraq, Iran, and North Korea separately rather than lumping them together.

Dr. CARTER. May I add just one other thing?

Senator NELSON. Of course.

Dr. CARTER. Quite apart from anything we have said, the North Koreans have believed for a long time that we are out to get them in some way, and I do not think—that is an article of faith with North Korea, a concern they have had for many, many years, and certainly predates anything that has been said in the last 2 years.

The only reason I chime in at this point is: This is the crux of the matter as far as the North Koreans are concerned. They would like to continue to run this rather odd and objectionable, as Senator Brownback correctly indicated, regime.

We would, of course, like for the North Koreans to have a better government, but we are not prepared to run the risks that it would take actually to deliver that to them. And in the meantime, while this regime continues to exist, we need to protect our security from it and that means making sure it does not take steps that will endanger our security long after it is gone. And that is one of the key points that I think all of us talked about in negotiating this strategy with North Korea.

One has to say: "Your security as you see it, which is your survival and your prospects for bettering your lot, the lot of your people, those prospects are much brighter if you do not go nuclear. You

think that nuclear weapons are somehow your salvation, but just the opposite is true.” That is the essence of the case that needs to be made to them.

Mr. EINHORN. On this question of the Bush administration rhetoric and the impact it had, clearly the Bush administration rhetoric did not create the North Korean nuclear program. It clearly did not motivate the North Koreans to begin the clandestine uranium enrichment program in the late '90s.

But I think under the Agreed Framework, one of the reasons that it was concluded was because the question of how much plutonium they had hidden away before 1994 was deferred; no resolution about that. There was ambiguity about how much they had. I think they saw value in that uncertainty. They believed it provided some deterrent value. And whether the uranium enrichment program was designed as another kind of hedge, we do not know. Perhaps it was designed as more than that.

But it is possible that some of the statements by the administration over the last few years have convinced the North Koreans that ambiguity as a deterrent is not enough. They have to go beyond ambiguity and, substantially more than that, to demonstrate that they have a credible, unambiguous nuclear deterrent capability. I think it perhaps had that impact. Thank you.

Senator NELSON. At the end of the day, I agree with you all that we cannot allow a nuclear-armed and proliferating North Korea. And at the end of the day, if we have to, there is the military option. That is not a palatable option, but it is an option. Were we to exercise that option, in your opinion, can we fight two wars at the same time?

Dr. CARTER. Secretary Rumsfeld has indicated we can. That was the strategy, the bedrock of the military strategy of the United States from 1989 when the Wall came down until right now, for the very good reason—and I remember because I used to testify on the Defense budget and people would say, “You have got to be kidding. You have got to buy enough stuff for two wars at the same time. What are the odds that two wars are going to take place at the same time?” And the answer always was, “Well, if one opponent knew that we would be all tied up with the first war that got started, that would create the opportunity for the second war.” And that is why we had a war machine that could simultaneously do the two major regional contingencies.

And what we are seeing now in the behavior of North Korea, which is trying to take advantage of the fact that we are busy in the Middle East, is evidence that we were right, that two different things are likely to take place simultaneously. But Secretary Rumsfeld says, and I certainly believe it is true, that we could carry out the joint plan with South Korea for the defense of South Korea against North Korea today even as we are doing things in Iraq. I certainly hope the North Koreans understand that.

Senator NELSON. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Thank you very much, Senator Nelson.

I just have one more question sort of following along the reasoning of Senator Nelson. Recently when the aircraft, the United States aircraft, was accompanied by North Korean aircraft, this

was a different kind of activity than progressing along the plutonium production line or reopening that situation, and I am just querying you as experts as to what the mind-set is there. In other words, the North Koreans probably were not enticing us into military action, although our response was to send two dozen aircraft out with the explicit thought they were now within range, and we spelled out why these aircraft are better than anything that was out there to begin with in terms of their armament, their accuracy.

So the North Koreans, at least if you follow the sequence of provocative events, have been suggesting military activity. Or was the purpose of that just simply, in the sequence of the nuclear situation, sort of a front for commerce, if they want to get in the way as they try to sell material to save a bankrupt economy?

In other words, it seems to me there are two different sets of activities here. And if the second set, the military one, is such, what kind of activity might we anticipate as the next stage? This has been a pretty rapid set of activities, just one after another. It may be to get our attention. This is what the press suggests sometimes, that we just cannot seem to get with it because then we will have to do more.

But I think we all understand what is happening, but this seemed to be ratcheted into a different area. Did you have that impression? And, if so, what does this mean in terms of the next step, what next week?

Dr. KANTER. In all such cases one relies primarily on speculation because we are talking about North Korea. I would speculate that the North Korean action first helped to increase the number of things they could do. That is, it is in addition to taking nuclear steps because, frankly, they are running out of nuclear steps to take. So this helps to increase the volume.

The CHAIRMAN. In other words, they are almost to the point that you just flow right into the plutonium separation and the building of weapons.

Dr. KANTER. They may be looking for additional things to do so they do not have to take the few remaining nuclear steps.

Second, precisely because it was so provocative, they may see it not only as a way to get our attention, as the press likes to put it, but also to increase the pressure on us from our allies and other actors to enter into the direct talks that North Korea has been demanding. So they may have seen it as a pressure tactic. Beyond that, my imagination fails me.

The CHAIRMAN. Yes, sir.

Dr. CARTER. If I may, it certainly illustrates two things. The first is that the North Koreans are the experts at not being on the back burner. The one thing they are good at is that. So they cannot be counted on to slow the momentum down, to limit, modulate, moderate, their behavior. We have to provide that moderation, modulation, slowing of momentum. They will not do it. There is the other thing that it reminds me of, which is just how dangerous the Korean Peninsula is and how quickly things could get out of control. We talked earlier about the possibility of the military option and possible retaliation by North Korea. Well, in addition to a deliberate action, in a regime like that and with a situation like that, there are all kinds of possibility for unintended consequences.

So as the momentum picks up and people begin taking steps against one another, this is a regime that looks through the world with a very thick lens, and the possibility of accident and miscalculation is very large. And that leads to a third thing, which is since they are where they are, we have to be very clear about where we are. You cannot count on them to read the tea leaves, look behind the scenes, connect the dots of our actions, which is another reason why an explicit strategy conveyed to them directly is so important, because their sensors are just not as acute as they ought to be.

The CHAIRMAN. Well, your responses are appreciated, but disquieting because if they have almost gone through the steps in the nuclear sequence and are running out of room there and have started military provocation and want to continue the pace that has been suggested thus far, we cannot anticipate a lot of time. There could very well be activities that are even more provocative, and so I do not anticipate what they are either. I did not anticipate the military activity this week. But we appreciate once again your expertise.

Senator BIDEN. Mr. Chairman.

The CHAIRMAN. Yes.

Senator BIDEN. On that point, if we could just expand while we are on the point—and the time is not up on the Senator here, so if I may.

The CHAIRMAN. Yes.

Senator BIDEN. My staff points out that they in effect did advertise. They hinted at a cruise missile test. They have criticized our surveillance flights before they acted. Now they are publicly criticizing our upcoming military exercises.

So I would not be surprised if the next step is, since they advertised it, a conventional military provocation such as moving their mechanized forces up, seeing them move; because the interesting thing to me, and I may be misreading it, and it is—my staffer is an expert on Korea and not me. But what they did, do you agree that they did in each of these provocative non-nuclear steps, advertise ahead of time in a sense that they raised the issued publicly? I mean, is there any connection there, Ash, do you think?

Dr. CARTER. I have heard the same thing. I do not have any specific information on that. As far as the exercises are concerned—and so I think we can expect more provocations of this kind. As far as the exercises are concerned, they always object to our exercises.

Senator BIDEN. No, I understand that, and I am not saying that we do not do the exercises. I am not suggesting that we do not do the overflights. I was just trying to get a sense into what the Senator, what the chairman was asking about.

Dr. CARTER. Anticipate the next step.

Senator BIDEN. Anticipate the next step so we do not overreact. I mean, you know, so that we figure it out. Anyway, thanks for letting me—

The CHAIRMAN. Yes.

Dr. KANTER. Senator, the problem is, the North Koreans object and complain about so many things—

Senator BIDEN. That you cannot tell, yes.

Dr. KANTER [continuing]. All the time, that you cannot know which of the ones they are complaining about is a signal.

Senator BIDEN. That is a valid point, and thank you.

The CHAIRMAN. Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman. I apologize for coming in late. I was pleased to be here for all the testimony, which was excellent, and this is such an important hearing. I had to be at Judiciary, but I thank you for allowing me to go forward and I will try not to use the whole time.

I thank the chairman and Senator Biden for holding this important hearing. And by focusing on what can be done and what might be possible, I think this committee is playing a very important role in resisting, what I could call, the forces of resignation and complacency with regard to this crisis. And I believe that those forces are truly dangerous ones.

My staff tells me that Senator Nelson referred to these recent articles. Yesterday, both the Washington Post and the Los Angeles Times reported that the administration has accepted the idea of a nuclear-armed North Korea. And like many of my colleagues, I read those reports with a great deal of alarm. And it is especially because of the good work of the chairman here that we have a number of hearings where we can follow these issues through.

And just last month, in this committee, I asked Deputy Secretary of State Armitage to assure me and to assure the committee, that the administration was not resigned to the reality of a nuclear-armed, nuclear-weapons-producing North Korea. And he gave me his solemn assurance that there was no such sentiment of resignation in the administration and no such acceptance. Yet these reports continue to surface.

Given North Korea's history of proliferation, a history that the administration acknowledges is far more serious than Iraq's proliferation history, this is a cause for grave concern.

Wishing that the situation in North Korea was not a grave security threat does not make it true. Wishing that the United States could focus solely on Iraq does not mean that we can. Operating on wishful thinking is irresponsible. And I think on this one, the American people deserve far better and I think our constituents are just very confused about how one approach can be taken vis-à-vis Iraq and such a different attitude vis-à-vis North Korea.

Let me just ask a couple of questions. At this point, based on the information available to you, do you believe that the United States has succeeded in communicating to North Korea that nuclear weapons production will not be tolerated? Or might there be some ambiguity on that point in the North Korean perceptions of the situation? Dr. Carter.

Dr. CARTER. Well, if they read the newspapers as you did, they might be confused. It has been clarified, our understanding is, by The White House today that that is not the case, that the United States emphatically does not acquiesce in North Korea's going nuclear.

But the fact that there is all of this speculation about where we might come out in terms of our overall strategy is another good reason, knowing how difficult it is for the North Koreans to read the tea leaves, for us, as quickly as we can, to come to a common

strategy and to articulate that strategy to them in the most direct possible way, which is being in the same room with them.

So whatever you think about what we ought to say to North Korea, whatever you think about the prospects of an agreement with them, whether you are an optimist or a pessimist about that, that is an experiment we need to run now, because our options are narrowing and there is plenty of room for them to be confused. And if they are confused about us and our strategy—the fact that they are going nuclear, threatens the deepest security interests of the United States. If they are truly confused about that, that is real trouble because I do not think we can be or are confused about that as a country.

Senator FEINGOLD. Mr. Einhorn.

Mr. EINHORN. Senator, my guess is that the North Koreans are seeing ambiguous signals from this administration; and I think the administration needs to be more disciplined in adopting a consistent line. It is not just a question of these news stories in the last few days and the welcomed clarification that they are not accepting the North Korean nuclear capability or resigning themselves to it. That is a welcome clarification, but on a number of issues, Deputy Secretary Armitage's testimony before this committee, gave a lot of people the impression that we were prepared to sit down bilaterally. But then we heard, a few days later, a different position, that it was really multilaterally and multilaterally only.

A month or two ago, the administration was speaking as if the military option was simply off the table; we were going to be focused exclusively on peaceful, diplomatic means. But then I think the administration felt that it was sending the wrong signal there; we had to make a correction and indicate that the military option was on the table. And a few days ago, the President talked about the military option and, perhaps, created the impression that—it may not be accurate, but the impression that it was not a last resort option.

I think the North Koreans may be seeing and hearing all of these things and drawing the wrong conclusion. I think we do have to maintain a much more disciplined, consistent line.

Senator FEINGOLD. Dr. Kanter.

Dr. KANTER. I have nothing to add, Senator.

Senator FEINGOLD. Let me ask one other question. Are there any sound models for the kind of intensive and comprehensive verification mechanisms that would have to be part of any viable agreement with North Korea, or would we have to sort of enter uncharted territory?

Dr. CARTER. I do not think it is uncharted territory. We had verification concerns with the Soviet Union. That was similarly a State that was good at keeping secrets. And we had a series of arms control negotiations with the Soviet Union and now with Russia, which are verifiable and verified. And even with respect to North Korea, those provisions of the agreement which dealt with plutonium at Yongbyon were thoroughly verified. We had inspectors there. We had Americans there for sometime at Yongbyon, so we knew exactly what they were doing at Yongbyon.

Now, it is going to be something new to them to have inspections that move outside of Yongbyon, that cover other things, like ballistic missiles, not just the nuclear program. So they need to understand that an undertaking with us to eliminate their nuclear weapons and ballistic missile programs has to be verifiable, and they are going to have to understand that we, particularly given their record of cheating, are going to insist upon rigorous verification. But there is no fundamental reason why that cannot be done. They are just going to have to agree to it.

Senator FEINGOLD. I thank you. Yes, doctor.

Dr. KANTER. We do have a very rich experience with arms control verification, and what we learned from that experience is that it can be immensely complicated. The START II treaty spends considerably more time on verification provisions than it does on reductions. It is immensely complicated, immensely difficult. It is always imperfect. The North Koreans have no idea what they are in for. Not only of the nature of the North Korean regime, but also because of their specific practices, including very, very extensive tunneling, the verification challenges in the case of North Korea will be very substantial.

Senator FEINGOLD. Mr. Einhorn.

Mr. EINHORN. I just want to reinforce what Arnie Kanter just said. Even if the North Koreans were prepared to accept verification measures much more intrusive than anyone has ever accepted, even along the lines of what Iraq is now permitting by UNMOVIC and the IAEA, the fact of the matter is: We are not going to have high confidence that they are not engaged in some clandestine uranium enrichment effort. We are simply not going to get that, and we need to recognize that up-front.

And what we need to do is compare the uncertainties and the risks of that situation of an imperfect verification, an imperfect confidence, against the risks of adopting a policy of pressure, isolation, containment, because of the risks of that strategy as well. And you have to weigh these two possibilities. But you are not going to get a perfectly verifiable agreement with the North Koreans.

Senator FEINGOLD. I thank the witnesses and thank you, Mr. Chairman.

[The prepared statement of Senator Feingold follows:]

PREPARED STATEMENT OF SENATOR RUSSELL D. FEINGOLD

I thank the Chairman and Senator Biden for holding this important hearing and engaging in a discussion of the North Korea crisis through such a constructive approach. By focusing on what can be done and what might be possible, I think this committee is playing a very important role in resisting the forces of resignation and complacency with regard to this crisis. And I believe that those forces are truly dangerous ones.

Yesterday both the Washington Post and the Los Angeles Times reported that the administration has accepted the idea of a nuclear-armed North Korea. Like my colleagues, I read these reports with a great deal of alarm. Just last month, in this committee, I asked Deputy Secretary of State Armitage to assure me, and to assure the committee, that reports that the administration was not resigned to the reality of a nuclear-armed, nuclear-weapons-producing North Korea. And he did assure me that there was no such sentiment of resignation in the administration and no such acceptance. Yet these reports continue to surface. Given North Korea's history of proliferation—a history that the administration acknowledges is far more serious than Iraq's proliferation history—this is cause for grave concern. Wishing that the situation in North Korea was not a grave security threat does not make it true. Wishing that the U.S. could focus solely on Iraq does not mean that we can. Oper-

ating on wishful thinking is irresponsible, and the American people deserve far better.

The CHAIRMAN. Thank you very much, Senator Feingold.
Senator Biden.

Senator BIDEN. In running the risk of trespassing on everybody's time too much, I have two questions and I will cease and desist. And again, I cannot tell you how much I appreciate your testimony and how enlightening it is.

In a discussion several weeks ago with an administration official who is in a significant position, and I was pressing the case in a private conversation that you have got to talk. This particular person said basically, I agree. We have to talk, but we have plenty of time, Joe. We have plenty of time, and went on to suggest two things. And I want to make it clear because he is already in enough trouble: I am not talking about Secretary Armitage, and I am really not. It was not Secretary Armitage.

But it has been said, No. 1, "I think they will blink," that is the North Koreans. And two, "even if they restart the reprocessing facility, we still have time."

Now, I assume what he meant by that is if reprocessing started tomorrow, if we got up from this—if as we walked out, the press grabbed us and said, "They have just announced they have started and we have confirmed they have started the reprocessing facility," that it is going to be a month or so before the first baseball-size piece of plutonium, not piece, but a chunk of plutonium is available.

First of all, from a scientific standpoint, to use a colloquial kind of term here, is that true? From the moment they start it, how much time is there before there is a product that is able to be, if they wish to, transported to some other part of the world against our interests?

Dr. CARTER. The situation is as you described it, namely within a matter of a few weeks after beginning the reprocessing process, they would begin to accumulate at the rate of every few weeks a bomb's worth up until five or six bombs. It is exactly as you described.

Senator BIDEN. Now, so my second question is that, when I come back to where I began—and I realize this is not your responsibility, and I realize that it is not something that any of you are comfortable with, so I am not going to ask you to pursue it again, but I keep coming back to trying to figure out—let me back up.

Let us assume, and I think most of us assume in varying degrees, that there is some disagreement within the administration on what policy to pursue. Otherwise, there would be a clear definition and they have not been stated by now. At least that is my assumption. And so the reason why I—just so you do not think I am just engaged in a sort of an unusual exercise here of trying to divine what the motivation is, but it is to try to figure out, quite frankly, to the very limited degree I have any influence and to a larger degree that the chairman may and other senior Republicans, is how to weigh-in internally, not publicly.

I have no interest in seeing a public debate and disagreement between me as a Democrat and a spokesperson in part at least for foreign policy for my party, and the President. That is not a useful

thing in my view. That is not something I am looking to have happen. So I just want to—as by way of background, I think you all understand this, but if anybody’s listening, what my motivation here is. And I for one do not think at this point, it is particularly relevant whether or not statements by the administration or failure to pursue the Agreed Framework has got us to where we are. We are where we are.

And so I have to make sure I understand one thing from two very seasoned, serious negotiators, among other things, in two different administrations and one very seasoned and significant strategist as well as negotiator, whether the premise upon which I am basing my attempt to seek an answer to what is going on downtown is correct. And that is: Is it, as I have perceived it to be, correct that no matter how you dice it or slice it, that there is no negotiated end to this rush to nuclear weapons and long-range missiles that does not contain an acknowledgment on our part that regime change is not our policy? In other words, can you think of any circumstances—you are seasoned negotiators. You sit down across the table and as they say, to get to yes you have to figure out—you either have to figure out how to take advantage of a very stupid adversary and get everything so, like your mom, Mr. Kanter, you get both.

Dr. KANTER. Now, you have turned me in.

Senator BIDEN. I did. That was lousy of me; I apologize.

But seriously, you either have to assume that. Or you have to figure out: What do you believe to be the bottom line for them in terms of a minimum requirement in order for them to get into a deal? And so, it is in that context I ask the question.

Do you believe that the minimum, the drop-dead position that needs to be met, assuming they met all of our needs, the drop-dead position from the North Korean side is you guys forswear regime change. You guys, in some form, like an executive agreement, a multilateral agreement, a treaty or whatever the heck they may want to talk about it, how they want to talk about it, but the bottom line is they would have to be convinced that we have, at least for the time being, forsworn active efforts to bring down their regime. Am I right about that?

Dr. KANTER. Yes.

Mr. EINHORN. Yes, it is a—it is certainly a necessary condition—

Senator BIDEN. It is not sufficient necessarily.

Mr. EINHORN. It is not sufficient. We do not know what else is there.

Senator BIDEN. No, I understand, but without that—

Mr. EINHORN. I think it is a necessary condition.

Senator BIDEN. Ash?

Dr. CARTER. It is a necessary condition.

Senator BIDEN. OK. Because I—

Dr. CARTER. May I just—

Senator BIDEN. Yes.

Dr. CARTER. There is just one other thing I should add though which is I do not think that that means that stasis is our policy.

Senator BIDEN. No, I understand. I was trying to—

Dr. CARTER. We are trying to offer them a better future for them, and in that sense we are in favor of change.

Senator BIDEN. Well, I would argue, quite frankly, it would be totally consistent with the remainder of our policy. This administration, the last administration engaged China. Nobody in this administration, no one in the last administration, no one in the previous administration is happy with the fact that there is still a minimum oligarchy and a dictatorship there where human rights are being violated, but we have concluded, we have made—we have reached at what we are always searching for here, a bipartisan consensus that goes well beyond the Congress, that the key to dealing with China now and in the future is engagement, and the underlying principal that Democrats, Republicans, liberals, conservatives, everyone shares who shares that view is that the very engagement will be, the very exposure to the world will be the very thing that will undermine this human-rights-abusing regime that we do not like.

So I would argue that it is totally consistent. It does not mean if we foreswear the use of military force and a regime change, we are not going to, by totally peaceful means of engaging, have as our objective the end of a repressive regime in the region. But I just want to make sure, because I have found—I have never in the seven Presidents I have served with, I have never found as large a segment of any other administration being driven by, to put the best spin on it, a pure ideological perspective, as pure an ideological perspective on how the world should be moving now, as I have with this administration. And it is not a majority. I am not talking about—I am not talking about the President of the United States, and I sincerely am not. But the President is getting advice, and I am trying to figure out—well, I have already stated what I am trying to figure out, and I am not sure even if I figure it out, it is particularly relevant to the outcome. But it would sure as heck make me feel a little better knowing what, well, what it was that had we had to do and had to be helpful to do, or what we should refrain from doing up here to get the administration to the clear enunciation of a policy that—and I do not think we have a lot of time, and I know you do not either.

Thank you all very much.

I thank you, Mr. Chairman, for your indulgence.

The CHAIRMAN. Thank you, Senator Biden.

Let me just mention that the committee will have the privilege on March 12, which is just 6 days away, of hearing from Assistant Secretary Kelly of the State Department. And the topic then will be regional implications of the changing nuclear equation on the Korean Peninsula. So it will be a continuation of our discussions about Korea, and I want to mention that for public notice because I know there is a very large interest in our country and in the Senate, obviously.

We thank each one of you for your remarkable contributions today. And the hearing is recessed.

Dr. CARTER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

[Whereupon, at 12:15 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

ADDITIONAL STATEMENT SUBMITTED FOR THE RECORD

[For Immediate Release—February 26, 2003]

STATEMENT OF SENATOR E. BENJAMIN NELSON, U.S. SENATOR FROM NEBRASKA
NELSON OFFERS “SIMULTANEOUS MODEL” FOR ENGAGEMENT IN NORTH KOREA

WASHINGTON, DC.—Nebraska’s Senator Ben Nelson will call on the Bush Administration to adopt a “simultaneous model” of engagement with North Korea to resolve the standoff over negotiations on the rogue nation’s nuclear weapons program.

North Korea is seeking bilateral meetings with the United States to discuss their nuclear program and is also seeking a non-aggression pact from the United States. Secretary of State Colin Powell has been working to build a coalition of nations to initiate multi-lateral negotiations with North Korea, but has yet to convince regional nations to participate.

“North Korea presents an immediate and growing threat to the United States and our allies,” said Senator Nelson. “After visiting with Secretary Powell during our trip to the Korean Peninsula and meeting with South Korean President Rho, I believe the best course of action to follow is to use a simultaneous model of engagement where North Korea would freeze its nuclear program and allow inspectors to confirm their actions while the United States agrees to hold off on military action and economic sanctions before negotiations begin.”

Nelson says that the only course of action in North Korea is engagement because of the threat the new nuclear power poses to South Korea and other allies and the U.S. military interests in the region. North Korea’s refusal to allow multi-lateral talks has delayed negotiations.

“I support Secretary Powell’s efforts to build a coalition for talks, but North Korea is balking at negotiations that include other regional powers,” said Nelson. “With the clock ticking, I think we need to pursue an approach that will get talks initiated immediately.”

Nelson hopes that engagement now, before North Korea further expands its nuclear program, can prevent the proliferation of nuclear material to terrorist organizations. He also thinks that additional economic sanctions before negotiations may be ineffective.

“Ultimately, the United States needs to prevent North Korea from becoming a clearinghouse where terrorists can one-stop-shop for nuclear weapons,” Nelson said. “Because of the significant threat posed by North Korea, we must engage in diplomatic discussions with them to freeze the nuclear program and bring about economic reform to prevent them from selling weapons and material to survive economically.”

Nelson said the options of sanctions should not be taken off the table as part of the negotiations once they begin but that offering to withhold sanctions before the talks could jumpstart the process.

Nelson will forward his recommendations to Secretary Powell in a letter he will send this week.

Nelson Simultaneous Model for Engagement with North Korea

North Korea presents an immediate and growing threat to the United States and our allies.

- North Korea will meet with us only in bilateral talks, not through a multilateral approach the Administration is pursuing. Our allies in the region are encouraging us to meet with North Korea one-on-one.
- The United States should immediately open a dialogue with North Korea and pursue a simultaneous model of engagement with the following mutual preconditions:
 - North Korea freezes their nuclear program and allows nuclear inspectors to confirm their compliance.
 - The United States agrees not to attack North Korea or call for economic sanctions.
- If we wait, North Korea’s nuclear arsenal will grow and North Korea will become a one-stop-shop for terrorists and pose an even greater threat to the Korean Peninsula and the world.

